WLPP No.	Item No.1
DA No.	DA-2018/973
Proposal	Residential - demolition of existing structures and construction of a 15 storey mixed use development comprising seven (7) commercial tenancies, 64 residential apartments and car parking for 90 vehicles
Property	28-32 Young Street and 29-31 Belmore Street, Wollongong
Applicant	ADM Architects
Responsible Team	Development Assessment and Certification - City Centre Team (NL)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 3 and clause 4 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018. The proposal is development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies. A variation is also sought to building separation under clause 8.6 of WLEP in excess of 10%.

Proposal

The proposal is for demolition of all existing structures and construction of a 15 storey shop top housing development.

Permissibility

The site is zoned B3 Commercial Core pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a *shop top housing* and is permissible in the zone with development consent.

Consultation

The original plans were notified in accordance with Council's Notification Policy and received one objection and one letter of support. In response to a range of concerns with the built form, the scheme has been amended and the plans renotified. An objection from the same party was received in the second round of notification as discussed at section 1.3.

Main Issues

The original scheme submitted was recommended for refusal by Council. The LPP at their meeting of the 9 October 2018 deferred determination of the application subject to Council concerns being satisfactorily addressed. The primary issues with the original scheme revolved around the bulk and scale of the podium, setbacks and excess car parking and FSR.

The development has been amended in response to these concerns including the following:

- A reduction in the bulk of the tower through removal of splayed balconies edges and increase in balcony setbacks.
- A reduction in podium height by one level
- The provision of one level of basement car parking
- Reduction in above ground parking

- Reconfiguration of residential storage areas

The revised design involves non-compliances in respect of the following:

Apartment Design Guide

- 3F Visual privacy: setbacks to balconies do not comply above 25m. 12m side setbacks are required whereas the proposal is between ~8.8m to 10m.
- 4D Apartment size and layout: A number of units have direct access from bedrooms onto living areas.

Wollongong Local Environmental Plan 2009

- Clause 8.6 building separation: The building does not satisfy the recommended separation distances. A variation under clause 4.6 of the LEP has been submitted in this regard.

Wollongong Development Control Plan 2009

Chapter D13 – Wollongong City Centre

- Part 2.2 Building to street alignment and street setbacks.
- Part 2.5 Side and rear building setbacks and building separation.

The proposal also proposes 8 car parking spaces in excess of that required by Council. Those spaces have been included in GFA calculations.

These matters are discussed in detail within the body of this report. On balance, the variations are not considered to result in adverse impacts and acceptable justification has been provided.

RECOMMENDATION

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

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for demolition of a commercial building and dwelling and construction of a 15 storey shop top housing development.

More specifically, the proposal can be described as follows:

- 7 commercial tenancies located across lower ground and upper ground levels addressing both street frontages.
- 64 units made up of the following
  - 16 one bedroom (25%) 3 of which are accessible
  - 42 two bedroom (65.6%)
  - 6 three bedroom (9.4%) 4 of which are accessible

Traffic, parking and servicing

- 90 car parking spaces comprised of:
  - 13 commercial spaces (including 2 accessible spaces)
  - 13 residential visitor spaces
  - 64 resident spaces (7 accessible)
- 1 commercial motorbike space and 5 resident motorbike spaces
- 3 commercial bicycles spaces, 6 visitor bicycle spaces, 24 resident bicycle spaces
- Vehicular access from Belmore Street
- Separate commercial and residential waste storage areas with on-site waste servicing.
- Car parking accommodated within one level of basement and four levels above ground.

1.1 BACKGROUND

A previous mixed use development (DA-2016/1061) was approved by the Regional Planning Panel on the 12 May 2017.

A pre-lodgement meeting (PL-2018/88) was held on 17 May 2018 prior to submission of the current application.

A pre-DA Design Review Panel (DRP) meeting (DE-2018/67) was also held for the proposal on the 19 June 2018. No substantive concerns were raised at that meeting and recommendations raised were addressed in revised drawings.

Following lodgement of the application, a further DRP meeting was held on 9 October 2018, the notes of which are contained at Attachment 7. No substantive concerns were raised at that meeting.

Following a full assessment of the proposal, a number of concerns were raised, particularly in respect of the podium bulk, tower setbacks and excess parking. The application was recommended for refusal at the 27 November 2018 WLPP meeting and the refusal reasons are contained at Attachment 8. On review, the Panel recommended the application be deferred so that the applicant could address the reasons for refusal.

The plans have been amended in response to Council concerns and are now considered to be satisfactory.

1.2 SITE DESCRIPTION

The site is located at 28-32 Young Street and 29-31 Belmore Street, Wollongong, the title references being:

- Lot A DP 358466
- Lot B DP 358466
- Lot 38 Sec 5 DP 1258
- Lot 39 Sec 5 DP 1258

The site is regular in shape with a general fall from southeast to northwest of approximately 5.5m.

Adjoining development is as follows:

- North: single storey commercial development
- East: Young Street and low to medium density commercial development
- South: 2 storey commercial building.
- West: Belmore Street and a mixture of one to two storey residential and commercial development

The locality is characterised by a mixture of predominantly older commercial development of between 1-7 storeys in height.

The planning controls permit much larger development than currently exists and the area is therefore likely to undergo significant change to higher density development in future.

Property constraints

- Council records identify the land as being impacted by acid sulphate soils. No concerns are raised in this regard.
- There is a drainage easement along the northern boundary of Lot A DP 358466 (fronting Belmore Street). That easement becomes redundant under the proposal.

1.3 SUBMISSIONS

The original submission was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising, including a notice in The Advertiser. That notification resulted in one objection and one submission of support. The revised scheme was re-exhibited and received one objection from the same party that objected to the original scheme. The concerns raised are discussed in Table 1 below.

Figure 1: Notification map

Table 1: Submission

Objection	Comment
State Environmental Planning Policy No 65 – Design quality of Residential Apartment Development	
Principle 1: Context and neighbourhood character	
It is considered that the design does not respond well to its context or character of the neighbourhood. The natural and built features of the area include an area that is developing under the guidance of Council and the associated legislation. The sites north and South of the proposed building are currently not developed to their full potential so it is important that this development does respond to the context now and in the future. The "contextual streetscape" (Belmore Street Aspect) relies on the architect's version of future development (to the point outlining possible future developments) not on what actually has been approved to be developed which has in turn developed a design that has in the first instance had to have been amended, yet still relies on 4.6 variations (8.6 Building Separation) to the proposed built form for its approval. At this stage, the proposed development does not need to rely on 4.6 variations as it can and should comply with the controls NOT assuming what MAY be built by other	Council assessment of the proposal does not assume a particular built form outcome for adjoining land beyond that of there being some component of adjoining future built form that would be built to the boundary up to street frontage height given that is a Council requirement. The proposed built form is not considered to unreasonably dictate a certain built form outcome on adjoining land beyond anything required under the planning controls. The proposal does seek variation to setbacks for upper levels however impacts on adjoining land from these variations are considered to be

Objection	Comment
parties (or effectively dictate to prospective parties how their built form should present) Socially – the development has been amended to INCREASE the number of apartments from 63 to 64 due to a decrease in the number of two bedroom apartments and subsequent increase in one bedroom apartments. As these already had the highest unit number mixes this does not increase the opportunity for socio economic mix or cultural diversity that an even number of providing three, two and one bedroom units would. Economically – the development includes commercial and residential spaces, which is unchanged from the previous submission. The commercial spaces (those that face Belmont Street) are at the expense of parking for the development and do not essentially have a streetscape presence. This is likely to produce commercial space that are underutilised and are not economically sound and at a detriment to the development and streetscape as a whole. Environmentally – The site has the potential for views to the Illawarra escarpment, however this cannot be used as a "selling point" as essentially only ¼ of the development will enjoy this view and any adjoining development will be blocked of this view. Additionally, the built form of the development produces overshadowing impacts to the south of the site, but instead of being mitigated or reduced by the potential built form are dismissed as having "only commercial functions and therefore the requirements of this clause (which pertain only to residential dwellings) do not apply", contradictory to the potential built form to which the application relies (noted above). Health – Health is the outcome of a place (and therefore development) that addresses the above social, economic and environmental concerns have been addressed. In this regard, it is considered that the design does not respond well to its context or character of the neighbourhood as it does not consider the combine social, economic, health and environmental conditions. The development continues to relies on 4.6 variations to built form and can therefore be further amended so that it does comply with the requirements and satisfy the social, economic, health and environmental needs of the community and the future community it will hold. It is therefore considered that the proposed development is not well designed or respond to the qualities of adjacent sites, streetscape or neighbourhood.	suitably mitigated through either blank façades, high sill windows or privacy screening. A reasonable apartment mix has been provided. A variation to clause 8.6 is considered to be well founded in this instance and to satisfy the requirements of clause 4.6 as discussed elsewhere in this report. The commercial spaces are not considered to be of a size or shape that would unreasonably restrict their use. Aspect from within the units is considered acceptable. The tower will block views towards the escarpment however none that are identified as key views in Council controls. Any view loss from existing or potential future development towards the escarpment is not considered unreasonable in consideration of the applicable height and scale for development in this locality. The proposal is considered acceptable with regard to the existing and likely future character of the area. The built form is generally in accordance with what is anticipated in the controls. The clause 4.6 variation is considered well founded in this instance.
<u>Principle 2: Built form and scale</u>	
It is considered that the design does not achieve good design due to the proposed scale, bulk and height of the	There are no specific site coverage maximums applicable to the

Objection	Comment
proposed development, articulation and the manipulation of building elements in comparison to the existing and desired future character of the street and surrounding buildings. The proposal does not define the public domain, contribute to the character of streetscapes and parks, or amenity and outlook. The proposal includes a basement level, 1 lower ground level, 1 upper ground level, an additional 4 "podium" levels and then an additional 11 levels to a height of 53.16m using 100% site coverage (the Statement of Environmental Effects – amended – notes that the previously approved building height was 59.9m however there is no change between the original submission and this this amended submission). In this regard the following points are noted: Scale – the scale of the proposed development is not different to that proposed previously as it maximises the FSR through height. A token gesture to reduce the number of podium levels has allowed for the increase in residential units which affect the social and environmental aspects of the development. Bulk – the architect (as noted above and within the previous submission) compares the bulk (and scale) to the a previous version of the development that was never realised and to future development (that may or may not happen to which the architect has effectively proposed developments for those sites to suit the subject site) which (as above) has in turn developed a design that has in the first instance had to have been amended, yet still relies on 4.6 variations (8.6 Building Separation) to the proposed built form for its approval. For the design to be compliant, it should be able to be designed within the defined parameters. Height – as note above - that the previously approved building height was 59.9m however there is no change between the original submission and this this amended submission. The resultant height is purely from the calculation of FSR which has then been maximised. Articulation and the manipulation of building elements – the streetscape, bar the addition of required trees to Young and Belmont Street remain unchanged at street level. The setbacks have not been extended and therefore the articulation remains unchanged from the previously (rejected) development proposal. Public domain, Character of streetscapes and parks – as above and as the previous development application provided, public domain is limited due to the variation of the street setback to Young and Belmont Streets which to which has not changed between the applications. The public domain therefore remains unchanged and no compliant.	development under the applicable planning controls. The proposed building height complies. An increase in the unit yield of one unit following reduction of the podium height is not considered to notably alter the development nor likely impacts. The previously approved built form plays no role in the Council recommendation. The proposal is not a modification of that approval. The height proposed is considered acceptable in respect of the applicable controls and likely impacts and complies with the maximum permitted. The articulation of the façade is considered acceptable. The DRP previously raised no concern with the general form, massing and materials and finishes and the revised scheme generally maintains those elements. The proposal renews the footpath and incorporates street tree planting consistent with Council objectives for this type of development. Council controls require building to the street alignment for the podium with a 4m setback above. A variation is requested to the 4m setback above the podium on the eastern elevation as discussed at Chapter A1. There is no variation to the street setback controls for Belmore Street. Communal open space on the podium is permitted under the controls. The development achieves the minimum solar access and cross ventilation requirements of the ADG. The tower is not considered to unreasonable constrain future development on adjoining land or in the locality in terms of aspect or

Objection	Comment
The development does not propose a park. Communal space is provided on level 5, which remains unchanged from the previous submission. Amenity and outlook – the amenity of the dwellings is unchanged from the previous submission with the majority of apartments having a single aspect (and therefore single opportunity for both light and ventilation). The aspect as noted above may be towards the Illawarra escarpment but at the detriment of other developments in the area and even within the same development. The consideration for light and ventilation however supersedes this requirement which the majority of units will still not achieve. The proposed amended design does therefore not achieve good design due to the proposed scale, bulk and height of the proposed development, articulation and the manipulation of building elements in comparison to the existing and desired future character of the street and surrounding buildings. The proposal does not define the public domain, contribute to the character of streetscapes and parks, or amenity and outlook	other amenity controls.
Principle 3: Density	
It is considered that the design does not achieve good design through a high level of amenity for residents or each apartment, resulting in a density appropriate to the site and its context. The design is not considered consistent with the area's existing or projected population. In relation to amenity – as noted above the amenity of the dwellings is unchanged from the previous submission with the majority of apartments having a single aspect (and therefore single opportunity for both light and ventilation). The aspect as noted above may be towards the Illawarra escarpment but at the detriment of other developments in the area and even within the same development. Communal space is provided on level 5, which remains unchanged from the previous submission. Given that the number of apartments has also INCREASED it follows that the overall amenity and access to this communal space will be effectively decreased. Exiting and projected population – as noted above the development has been amended to INCREASE the number of apartments from 63 to 64 due to a decrease in the number of two bedroom apartments and subsequent increase in one bedroom apartments (importantly – no change to the number of 3 bed apartments). As these already had the highest unit number mixes this does not increase the opportunity for socio economic mix or cultural diversity that an even number of providing three, two and one bedroom units would. The type and number of	Light and ventilation is discussed above. The communal open space is considered to satisfy the ADG requirements. The mix of units is 1 bed (25%), 2 bed (66%) and 3 bed (9%). There is a deficiency of 0.4(1) 3 bedroom unit which is considered minor and of no particular consequence given this is a rounding issue (6.4 required and 6 provided).

Objection	Comment
apartments still relies on a variation to comply with the standard provided in the Development Control Plan being: • studio and one bedroom units must not be less than 10% of the total mix of units within each development (the amended development provides 25% 1 bed apartments from a previous 24%) • three or more bedroom units must not be less than 10% of the total mix of units within each development". (the amended development provides 9% 3 bed apartments from a previous 6%) The argument for the variation to the apartment mix provided in the Statement of Environmental Effects has not changed nor been further verified in order to uphold the request for this variation. The opportunity to revisit this mix was not upheld by the applicant and therefore a variation is sought resulting in a development that does not comply or have good design through a high level of amenity for residents or each apartment, resulting in a density appropriate to the site and its context. The design is therefore not considered consistent with the projection of the area's existing or projected population.	
Sustainability	
It is considered that the design still does not achieve a positive environmental, social and economic outcome. As noted above and with the previous submission, the site is being over developed in relation to site coverage and separation distance which require 4.6 variations to the development to be considered. There is still a high reliance on mechanical heating and cooling. 77% of the residences will receive adequate solar access whilst the remainder will not receive any at all reducing the amenity for the residents in these apartments. The proposed solar panels, according to the Statement of Environmental Effects will only service the common areas. A Social Impact Assessment (SIA) still has not been submitted. It is therefore simply considered that the design still does not achieve a positive environmental, social and economic outcome.	The development meets BASIX requirements and achieves the target for solar access and natural ventilation. There is no requirement for solar panels to service areas beyond the common areas. A Social Impact Assessment is not a requirement for the proposal.
Landscape	
It is considered that the development in relation to the landscape is not of a good design as it does not operate as an integrated and sustainable system, resulting in attractive development with good amenity. The design does not enhance the development's environmental performance or optimise useability, privacy and opportunities for social	The landscaped areas and common open space are considered acceptable in respect of the controls. The common area is of a suitable size and incorporates three separate areas including a pool and spa. The

Objection	Comment
interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management. As per the previously submitted plans – the streetscape, bar the addition of required trees to Young and Belmont Street remain unchanged at street level. The setbacks have not been extended and therefore the landscape and deep soil area remains unchanged from the previously (rejected) development proposal. No change has been made to the "landscaped" communal area provided on Level 5 as a communal "landscaped" area. The "landscaping" provided on the podium level as common space is a token effort towards providing a green space (as is the community garden). This area as a landscaped area fails to provide quality spaces for use by groups of varying sizes and as only one entry to the pool is provided this is likely to induce conflicts of the common area from which the pool is accessed. No change has been made to the façade of the proposed development in relation to the use of colours or materials to ensure that it will engage with the streetscape and its surroundings. It is therefore considered that the development in relation to the overall appearance in the landscape is not of a good design as it does not operate as an integrated and sustainable system, resulting in an attractive development with good amenity. The design does not enhance the development's environmental performance or optimise useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	common area is located to maximise outlook and solar access. Street setbacks are discussed elsewhere in this report and are considered acceptable. The colours and materials proposed are considered to be of a high standard and to result in a built form that will positively contribute to the streetscape.
Amenity	
It is considered that the design does not positively influence internal and external amenity for residents and neighbours achieving a positive living environment and resident well being including: Room dimensions and shapes – the room dimensions and shapes have not changed from the previously proposed development, however the number of 1 and 2 bedrooms has changed resulting from a change in the podium levels. access to sunlight – as noted above – A total of 49 residential apartments (ie 77%) will achieve sunlight access between 9am and 3pm on June 21, which in fact is not different to that previously proposed when considering the number of apartments has changed (noted above). natural ventilation, - 58 units achieve cross ventilation which	The room sizes are consistent with the minimums stipulated in the ADG and are considered fit for purpose. Solar access minimums are achieved. Natural ventilation minimums are achieved. The development is not considered to unreasonably obstruct escarpment views from adjoining development or the locality in consideration of the applicable controls and orientation of the lot. The storage areas are located in the lower ground and basement levels

Objection	Comment
equates to 91% being naturally cross ventilated. Outlook - The site has the potential for views to the Illawarra escarpment, however this cannot be used as a "selling point" as essentially only ¼ of the development will enjoy this view and any adjoining development will be blocked of this view. storage – storage is provided in the basement in two communal areas however a CPTED design statement is yet to be submitted with the development to ensure that these areas are in fact safe and in an appropriate location (opposed to within each of the nominated car parks areas for each of the Units) indoor and outdoor space – indoor spaces are limited to circulation spaces outside the units towards the communal lifts and the token "outdoor" space on the podium level, which remains unchanged from the previous submission. efficient layouts and service areas – the basement area has been redesigned to a more efficient layout at the expense of other levels which now include parking instead of employing geotechnical advice to investigate if parking could be held in a lower level of basement. The resulting layout reduces amenity for the adjoining residential units and a poor activation of Belmont Street. Ease of access for all age groups and degrees of mobility - As per the previously submitted plans – The swimming pool only provides for disabled access though a lift system and, as above, does not provide equal access from both sides of the pool, possibly causing conflict when both of the communal areas may be in use. It is therefore considered that the design does not positively influence internal and external amenity for residents and neighbours or achieving a positive living environment and resident well being.	behind a roller door which provides security to residents of the development. There is no requirement for "indoor/outdoor" spaces beyond the private and communal open space controls which are considered to have been addressed. The proposal is considered to provide suitable activation of Belmore Street via two commercial spaces and foyer areas with the remainder being the driveway and substation, both of which are necessary and unavoidable.
Safety	
CPTED has still not been provided for this development to assess the safety and security of the proposed development and its effect on the surrounding public domains.	The development does not have a retail or business GFA in excess of 5,000m² that would require a 'safety by design' assessment.
Housing diversity and social interaction	
It is considered that the development does not achieve a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets or respond to social context by providing housing and facilities to suit the existing and future social mix or provide practical and flexible features, including different types of communal spaces for a broad range of people and providing	The unit mix is acceptable. Providing for affordable housing is not a requirement of the controls in this instance. The communal space is broken into three areas and includes a pool.

Objection	Comment
opportunities for social interaction among residents. The proposed development has been amended to INCREASE the number of apartments from 63 to 64 due to a decrease in the number of two bedroom apartments (and subsequent increase in one bedroom apartments). As these already had the highest unit number mixes this does not increase the opportunity for socio economic mix or cultural diversity that an even number of providing three, two and one bedroom units would. The Wollongong Development Control Plan, prepared in accordance with demographic, living needs and household budgets requires: • studio and one bedroom units must not be less than 10% of the total mix of units within each development; and • three or more bedroom units must not be less than 10% of the total mix of units within each development The proposal shows 16 x 1 bed (increased from 14); 42 x 2 bed (reduced from 43); and 6 x 3 bed (no change). The minimum number of three bedroom apartments (10%) is not met (9% provided). The justification has not changed from the previous Statement of Environmental Effects however the reference to “arbitrary figure” has been removed. The argument is still based on demographics including smaller family sizes, child ages, or childless families. This demographic data still cannot be relied on as a reason for justification however as this is (as above) is the first development of this kind in this area so the demographic being relied on is not consistent with the future demographic of the area (as intended by the DCP). By not adhering to the intended apartment mix, this will set a precedence for future developments and may in fact deny the public from having the opportunity to a 3br apartment that may have otherwise been provided. It is therefore considered that development does not achieve a an appropriate mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets or respond to social context by providing housing and facilities to suit the existing and future social mix or provide practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	

Objection	Comment
Aesthetics	
It is considered that the design is does not have good proportions, balance of elements or good use of materials, colours and textures. Consistent with the previous design, the amended plans still show elevations with a large amount of glazing to the East and Western Elevations which should have been balanced with solid and glass façade surfaces. The Northern and Southern elevations still only show the use of solid materials for articulation and should include an additional variation in textures.	It is noted that aesthetics are a somewhat subjective area and what may be appealing to one may not be to another. The proposal has been reviewed twice before by the Design Review Panel who were generally supportive of the materials and palette. The amended form is not substantially different to that previously considered by the DRP. Glazing does not form a dominant feature of the facades.
3A site analysis The design has not considered the constraints of the site in relation to solar access as shown by the percentage of apartments not receiving adequate solar access.	The minimum solar access requirements are met.
3B Orientation The design has intentionally not considered future development adjoining the site.	The tower form is considered acceptable with regard to likely future development with regard to achieving solar access, outlook and the like.
3C Public domain interface A CPTED report has still not been provided to adequately address safety and security The public domain has not been addressed through the additional planting of required trees however has not been “retained” in the setback at street level.	CPTED report not required under the controls Street trees and upgraded footpath are provided for both frontages in accordance with Council controls.
3D Communal and Public Open Space The communal space does not allow for multiple party uses and lacks accessibility. The communal open space has not changed from the previous submissions. The communal open space has not changed from the previous submissions. Soft landscaping is provided as garden beds whilst the remaining area is taken up by a communal pool, with only 2 areas for activities.	The communal space is accessible and provides a suitable range of facilities.
3D Deep Soil Zones	
No deep soil zone provided. The street setback remains the same as the previously submitted plans.	A deep soil zone is not required however substantial landscaping is proposed on the podium. The street setback complies.

Objection	Comment
3F Visual Privacy Setbacks are not in accordance with the ADG as provided in the SEE variation.	See discussion in body of this report regarding side setback variation request.
3H Vehicle Access The vehicular access point conflicts with access to commercial premises.	The vehicular access point is considered to be appropriately located and not to result in any adverse conflict between vehicles and pedestrians. A satisfactory Traffic referral has been received.
3J Bicycle and Car Parking The location of parking spaces is unlikely to meet the requirements for car manoeuvrability in some instances, reducing this rate to a non-compliance. The layout of carparking has changed to the detriment of residential uses, rather than undertaking investigations for another basement level as suggested by council.	The car parking areas are considered to comply with the requirement for manoeuvrability. The proposal has been amended to provide a basement parking level which was coupled with a reduction in the podium height by one storey.
4A Solar and Daylight Access 30% of the apartments do not receive the required solar access. Design does not incorporate shading and glare control, particularly for warmer months	The design is considered to meet the minimum solar access requirements. Shading is now provided to eastern and western glazed areas.
4D Apartment Size and Layout Bathrooms and bedrooms are accessed directly off kitchen / living / dining areas contrary to objective 4D3	A number of bedrooms are accessed directly from the living areas. These are however secondary bedrooms and the development otherwise minimises direct access to bathrooms or laundries from living areas.
4G Storage The storage area has been redesigned. A CPTED report is yet to be submitted by the applicant for consideration.	Not required.
4K Apartment Mix The apartment mix does not comply with the requirements of the DCP	A suitable apartment mix is provided.
4M Facades The design has large areas of glazing or large areas of solid material which should be varied.	It is considered that a suitable mix of materials is provided.
4O Landscape Design Landscape has not been provided at ground level	The landscaped areas are considered acceptable given the constraints presented by services in the footpath.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Traffic, Landscape and Environment Officers have reviewed the proposal and have no concerns subject to appropriate conditions of consent.

1.4.2 EXTERNAL CONSULTATION

Design Review Panel (DRP)

The application was reviewed by the DRP as required by clause 28 of SEPP 65. One voluntary review was undertaken prior to the lodgement of the development application on the 19 June 2018. A second review by the DRP was undertaken on the 9 October 2018 following lodgement of the DA. The notes of that meeting are contained at Attachment 7.

Re-consideration by the DRP was not considered necessary for the amended plans due to the aesthetic and general form being substantially the same. The significant change between the scheme reviewed by the Panel and the one now proposed is a reduction in bulk and scale.

Endeavour Energy

Endeavour Energy provided their recommended conditions/general advice relating to implications for their infrastructure. This information has been provided to the applicant and suitable conditions of consent are included in Attachment 9.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

A Preliminary Site Investigation (PSI) prepared by a suitably qualified consultant has been submitted.

The consultant recommended that the PSI Report and a subsequent re-inspection of the site in 2018 satisfy the requirements for a preliminary site investigation as required by clause 7 of SEPP 55 and that a detailed site investigation as allowed for in subclause 2 of SEPP 55 is not considered necessary. Further sampling and analysis was recommended to be incorporated into a Construction Environment Management Plan to be established for the demolition and construction works.

Council's Environment Officer has reviewed this documentation and has recommended conditions of consent were the application to be supported. The development is considered suitable for the proposed development in accordance with Clause 7.

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 NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

SEPP 65 aims to deliver a better living environment for the residents within residential apartment developments and enhance the streetscapes and neighbourhoods in which these buildings are located.

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.

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

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 28(2) of the Policy and are discussed below.

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The locality is characterised by a mixture of medium to low density development, primarily commercial in nature. The height and FSR permitted for the locality under the planning controls will likely see substantial transformation of the area in future towards higher density development. The current proposal will set the tone for that development, particularly in respect of street wall height and bulk and scale. The proposal is considered to be satisfactory with regard to these matters and to create an acceptable precedent for future development on adjoining land and in the locality.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposal is considered to be of a suitable bulk and scale considering the applicable controls and likely development on adjoining land.

The articulation and materials and colour palette are considered to positively contribute to the streetscape.

Residential amenity in respect of outlook is acceptable.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

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 pressure on local infrastructure. Service providers including Endeavour Energy have been consulted during the assessment process. The site is well situated with regard to existing public open space, public transport and services. Adequate parking facilities have been provided on site to cater for the number of units proposed. Contributions applicable to the development will go towards local infrastructure and facilities.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

The proposal is considered acceptable in respect of sustainability. The proposal is satisfactory with regard to solar access and natural ventilation and is accompanied by BASIX certificates which indicate that the BASIX thermal comfort, water and energy efficiency targets can be achieved. The development is considered to be an efficient use of land in an appropriate location.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

The proposal is satisfactory in respect of landscaping. The proposal involves renewal of the footpath and street trees. A large landscape communal area is provided on the podium.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

The development is acceptable in regard to controls relating to residential amenity.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The design of the development is considered satisfactory with regard to the principles of CPTED and is not considered to result in safety or security concerns for occupants and visitors.

Principle 8: Housing diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

The proposal is acceptable in regard to housing diversity and social interaction.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The building is considered to incorporate suitable articulation and a mix of materials and finishes and is acceptable in regard to the design aesthetic.

Apartment Design Guide assessment table

A full assessment of the proposal against the ADG is provided at Attachment 4.

Non-complying aspects of the proposal in regard to the ADG are addressed in the table below.

Standard/control	*Comment*
Part 3 – Siting the development 3F Visual privacy *Objective 3F-1* Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: Building height / Habitable rooms and balconies / Non-habitable rooms up to 12m (4 storeys) / 6m / 3m up to 25m (5-8 storeys) / 9m / 4.5m over 25m (9+ storeys) / 12m / 6m	Above 25m, the setback from balconies does not comply (being between 8.8m to 10m) and habitable rooms (being between 6.4m and 6.7m). The variation to the habitable rooms is considered acceptable as these walls are either without openings or provided with high sill windows. The variation for the balcony edges is not considered to result in visual privacy concerns as the balcony edges have been provided with privacy screens. In terms of equitably sharing separation distances, orienting the building away from side boundaries creates a situation where privacy and solar access are easier to maintain. The development itself does not rely on the northern elevation for solar access and future development on adjoining land can more readily orient units towards side boundaries. The tower bulk is not excessive and is located towards the Young Street frontage. This creates greater opportunity for buildings on adjoining land to position towers to maximise their aspect and solar access.
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	The provision of privacy screening to the balcony edges does not optimise aspect and solar access for the subject units however the amenity controls for those units are still met.
4D Apartment size and layout *Objective 4D-3* Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.	Units within the development have second bedrooms with direct access onto living areas. Whilst this is generally undesirable, the main bedroom for those units do not directly open to living spaces and otherwise, bathroom and laundry openings are separated from living space.
4G Storage *Objective 4G-2* Additional storage is conveniently located, accessible and nominated for individual apartments	Secure storage areas are provided for units within the basement. Ideally, storage areas would be located on each of the residential car parking levels for convenient access. The ADG does not however specifically require this and the proposed

Standard/control	*Comment*
	storage is generally considered to be laid out in a manner that is accessible and safe.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

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 B3 Commercial Core.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*
- *To provide for high density residential development within a mixed use development if it:*
  - *(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
  - *(b) contributes to the vitality of the Wollongong city centre.*

The proposal is satisfactory with regard to the above objectives.

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

> *Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises;* ***Shop top housing****; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal is categorised as a *shop top housing* as defined below and is permissible in the zone with development consent.

Clause 1.4 Definitions

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of ~53.m does not exceed the maximum of 60m permitted for the site.

Clause 4.4A Floor space ratio – Wollongong city centre

Site area: 1,825m²

Commercial GFA: 775m²

Residential GFA: 5,603m²

Surplus car parking:

- 8 surplus car parking spaces are proposed which equate to 8 x 2.4 x 5.4 = 103.68m²

Total overall GFA: 6,482m²

Proposed FSR: 6,482 / 1,825 = 3.55:1

Maximum FSR permitted under clause 4.4A(4)

$(NRFSR \times NR/100) + (RFSR \times R/100):1$

where:

NR is the percentage of the floor space of the building used for purposes other than residential purposes. (12.2%)

NRFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes. (5.635)

R is the percentage of the floor space of the building used for residential purposes. (87.8%)

RFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes. (3.281)

(a) $(2 + 1.5X):1$ —if the building is used only for residential purposes, or

(b) $(3.5 + 2.5X):1$ —if the building is used only for purposes other than residential purposes,

where:

X is $(\text{the site in square metres} - 800)/1200$.

X = (1,825-800)/1200 = 0.8542

RFSR: 2 + (1.5 x 0.8542) = 3.281

NRFSR: 3.5 + (2.5 x 0.8542) = 5.635

$(NRFSR \times NR/100) + (RFSR \times R/100):1$

(5.635 x 0.122) + (3.281 x 0.878) = 0.687 + 2.881 = **3.568:1**

The proposed FSR of 3.55:1 does not exceed the maximum permitted under this clause.

Clause 4.6 Exceptions to development standards

A variation is requested to Clause 8.6 Building separation and this clause therefore applies.

It is noted the 4.6 variation submitted assesses the separation as it applies to the upper levels of the building. Built form on adjoining land is commercial and small scale (between 1-2 storeys in height) and the clause applies only to separation from those existing buildings. Assessment of the proposed built form in regard to separation from future built form is captured under the ADG.

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building separation
Is the planning control in question a development standard	Yes
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes
(4) Development consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),	The applicants request is considered to adequately address subclause 3.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. The visual appearance of the building is considered satisfactory. A suitable degree of articulation is provided as well as a mixture of materials and finishes which add visual interest to the building. The facades are articulated to ensure there are no undesirable expanses of one material and to provide some light and shade. No concerns are raised in regard to visual privacy. The adjoining development to the south is a two storey commercial building constructed on the boundary with no openings. The land to the north similarly contains a single commercial building. No concerns are raised in respect of acoustic privacy. Solar access to the units within the development or adjoining buildings is not compromised by the variation. The objectives of the zone are as follows: • *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.* • *To encourage appropriate employment opportunities in accessible locations.* • *To maximise public transport patronage and encourage walking and cycling.* • *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.* • *To provide for high density residential development within a mixed use development if it:* *(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and* *(b) contributes to the vitality of the Wollongong city centre.* The proposed variation is not considered to compromise the achievement of these objectives.
b) the concurrence of the Secretary has been obtained.	N/A

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

A substation is provided at street level and integrated into the podium on the Belmore Street frontage.

Conditions of consent are also recommended with respect to specific requirements of utility providers for connection to water, energy and telecommunications.

Clause 7.5 Acid Sulfate Soils

Council records indicate the land is potentially affected by class 5 acid sulfate soils. A Preliminary Desktop Acid Sulfate Soil Assessment has been provided which is considered to address this clause.

Clause 7.13 Certain land within business zones

The proposal provides commercial space at ground floor level and at least one entrance and at least one other door or window on the front of the building facing the street in accordance with this control.

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

In considering any development within the City Centre Council is required to consider whether the proposed development exhibits design excellence. In determining the design excellence of the development the following matters must be considered:

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

The originally submitted scheme was reviewed by the Design Review Panel (DRP) at pre-lodgement stage and the original DA submitted plans were also reviewed by the DRP post lodgement of the DA. Generally speaking, the Panel were supportive of the development with respect to design excellence. The plans have since been amended, but not in any substantive way to require reconsideration by the Panel.

The proposal is considered to be of a high quality in respect of form, articulation, materials and finishes.

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

The public domain is improved through the replacement of footpath and provision of street trees. The development incorporates an awning to provide protection for pedestrians. The frontages are suitably activated and accessed directly from the street.

In terms of the built form, the bulk and scale is acceptable with regard to the applicable planning controls and the aesthetic appearance of the building is considered to positively contribute to the streetscape.

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

The tower is not expected to detract from any identified significant view corridors. The primary concern was whether the tower would protrude above the church spire when looking west along Church Street at street level as detailed at 7.2.2 of Chapter D13. A view analysis has been provided in this regard demonstrating that it will not.

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

N/A

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

(i) the suitability of the land for development,

Generally speaking, the size and location of the site is suitable for a development of the type proposed, that being a residential flat building located above commercial tenancies. There are no particular site constraints that would preclude the development.

(ii) existing and proposed uses and use mix,

The use of the land is appropriate with respect to the permitted uses and existing uses.

(iii) heritage issues and streetscape constraints,

N/A

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

The proposed tower is considered to be of a scale and form that would be compatible with future development on adjoining land. The form is considered acceptable in respect of the streetscape.

(v) bulk, massing and modulation of buildings,

The building bulk and façade treatment are considered acceptable.

(vi) street frontage heights,

The street frontage height is within the 12-24m permitted under the DCP.

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

Satisfactory.

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

The footpath for the full frontage of the site will be upgraded by the developer, including street trees, in accordance with Council's Public Domain Technical Manual.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The objectives of this Part and (in so far as it relates to the Wollongong city centre) are as follows:

(a) to promote the economic revitalisation of the Wollongong city centre,

(b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,

(c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,

(d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,

(e) to facilitate the development of building design excellence appropriate to a regional city,

(f) to promote housing choice and housing affordability,

(g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,

(h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.

The proposal is satisfactory with regard to this clause.

Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use

A variation to this clause is requested for the proposal as discussed at clause 4.6.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 Introduction

The proposal involves variations to the front and side setbacks under the DCP. These are each discussed in relation to the requirements of this chapter below.

Front setback

(a) The control being varied;

Chapter D13 – Wollongong City Centre – 2.2 Building to street alignment and street setbacks

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

A 4m setback above street frontage height is required under this control.

The proposal is between approximately 2.5m and 7m as illustrated at Figure 2 below. The variation is for the balcony edge with the remainder of the façade being in excess of the 4m.

There are no particularly unique circumstances for the variation.

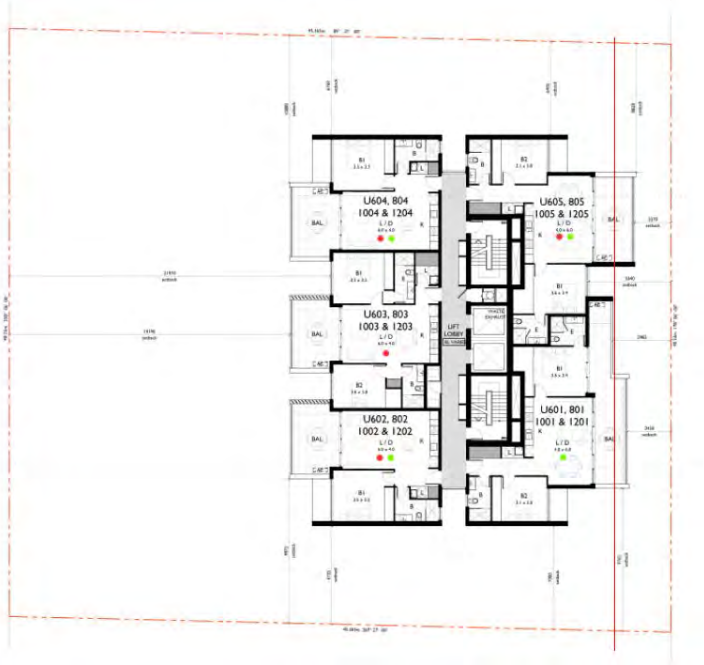


Figure 2: 4m setback line

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

The objectives of this control are as follows:

a) *To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.*

b) *To reinforce the intrinsic character of Wollongong City Centre while enabling flexibility in building design.*

c) *To enhance the distinctive character of Special Areas with compatible development*

d) *To protect solar access to key streets and public spaces.*

The variation is not considered to adversely impact on the streetscape as the façade is well articulated and generally of a greater than required setback.

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

As noted above, potential impacts relate to daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees. The variation to the setback above the podium is not expected to compromise any of these.

Side setbacks

The ADG controls regarding side setbacks generally take precedence over the DCP and are considered satisfactory in this instance as discussed elsewhere in this report however the DCP contains additional setback requirements for buildings over 45m.

(a) The control being varied;

Chapter D13: Wollongong City Centre – 2.5 Side and rear building setbacks and building separation.

Zone	Building condition	Minimum side setback	Minimum rear setback
Commercial Core	Up to street frontage heights	0m	0m
	Residential uses (habitable rooms) between street frontage height and 45m	12m	12m
	All uses (including non-habitable residential) between street frontage height and 45m	6m	6m
	All uses above 45m	14m	14m

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

Above 45m the DCP recommends 14m side setback. For levels 13 and 14 the side setbacks are 7.9m (north) and 8.5m (south).

The variation is for the upper two levels of the building only and full compliance is not considered necessary to achieve the objectives of the control or for any aesthetic benefit.

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

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.

In terms of amenity for building occupants, the reduced setbacks are satisfactory as follows:

- Daylight: Satisfactory solar access is provided. The non-compliance is not expected to have a significantly greater overshadowing impact than a compliant form.
- Outlook: The outlook for units on levels 13 and 14 is not significantly compromised by the variation.
- View sharing: The variation is not expected to detrimentally impact on significant views.
- Ventilation: Natural ventilation for units on levels 13 and 14 is achieved.
- Wind mitigation: The non-compliance is not expected to result in adverse wind impacts as is evident in the wind impact report.
- Privacy: The north and south elevations have defensive treatment which addresses privacy.

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

See point (c) above.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The general design and layout of the development is acceptable in regard to the principles of CPTED. Building entries are clear and legible without concealment opportunities. Active street frontages and passive surveillance of the public domain and common areas within the building is provided.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is $19,770,000 and a 2% is applicable under this plan as the threshold value is $100,000.

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.

The Government Coastal Policy only applies to the offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark.

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

The proposal is considered satisfactory with consideration to the likely impacts.

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

The site is not constrained in any particular way to preclude the development, the proposal is generally satisfactory with regard to the applicable controls and there are not expected to be any unreasonable offsite adverse impacts.

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

One submission was received following the notification of the originally submitted scheme. Following re-notification of the amended plans, one further submission was received as discussed at section 1.3 of this report.

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

The application is considered acceptable in regard to the applicable planning controls, internal consultation and in consideration of submissions received following notification. The proposal is considered to be in the public interest.

3 RECOMMENDATION

The proposal is considered to be satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

It is recommended to be approved subject to the conditions of consent contained at Attachment 9.

4 ATTACHMENTS

1 Aerial photograph

2 WLEP zoning map

3 Plans

4 ADG compliance table

5 WDCP compliance tables

6 Clause 4.6 variation request

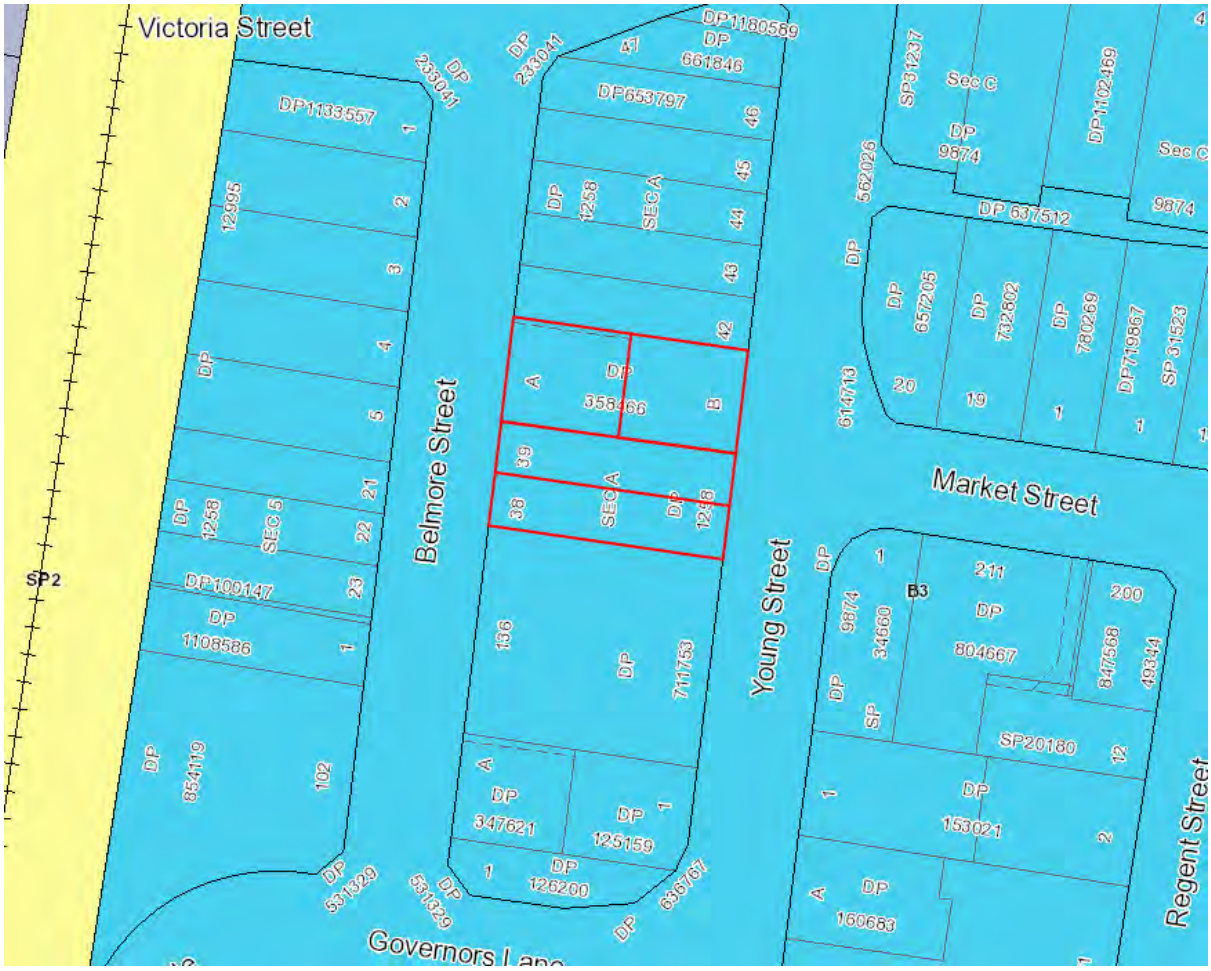
7 Design Review Panel notes (9 October)

8 Refusal reasons (previous scheme)

9 Draft conditions of consent

Attachment 1 – aerial photograph

Attachment 2 – WLEP 2009 Zoning Map



PROPOSED MIXED USE BUILDING COMPRISING OF RESIDENTIAL APARTMENTS ABOVE RETAIL / COMMERCIAL PREMISES AND CARPARKING

at

LOTS A & B D.P. 358466 & LOTS 38 & 39 SEC. 5 D.P. 1258

28-32 YOUNG STREET & 29-31 BELMORE STREET, WOLLONGONG, 2500

for: LEVEL UP PROJECTS P/L

by:

adm ARCHITECTS
94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4228 6455 www.admarchitects.com.au

ARCHITECTURAL DRAWING SCHEDULE

No.	DESCRIPTION	SCALE @ A3						
A-000	TITLE SHEET	NTS	A-103	LOWER GROUND FLOOR PLAN	1:200	A-205	SECTION A - A	1:300
A-001	SITE/DEVELOPMENT SUMMARY	NTS	A-104	UPPER GROUND FLOOR PLAN	1:200	A-206	SECTION B - B	1:300
A-002	SITE ANALYSIS	NTS	A-105	LEVEL 1 FLOOR PLAN	1:100	A-301	ACCESSIBLE PLAN	1:100
A-003	CONTEXTUAL AERIAL PERSPECTIVES	NTS	A-106	LEVEL 2 FLOOR PLAN	1:200	A-302	PRE ADAPTATION PLAN 01	1:100
A-004	CONTEXTUAL STREETSCAPE ELEVATION 1 OF 2	NTS	A-107	LEVEL 3 FLOOR PLAN	1:200	A-303	POST ADAPTATION PLAN 01	1:100
A-005	CONTEXTUAL STREETSCAPE ELEVATION 2 OF 2	NTS	A-108	LEVEL 4 FLOOR PLAN	1:200	A-401	SHADOW ANALYSIS 1 of 2	NTS
A-006	CONTEXTUAL LONGITUDNAL SECTION	NTS	A-109	LEVEL 5 FLOOR PLAN	1:200	A-402	SHADOW ANALYSIS 2 of 2	NTS
A-007	ESCARPMENT VIEW CORRIDOR	NTS	A-110	LEVEL 6, 8, 10 & 12 FLOOR PLAN	1:200	A-403	SOLAR ACCESS STUDY 1 OF 4	NTS
A-007.1	CHURCH SPIRE VIEW CORRIDOR	NTS	A-111	LEVEL 7, 9 & 11 FLOOR PLAN	1:200	A-404	SOLAR ACCESS STUDY 2 OF 4	NTS
A-008	PHOTOMONTAGE 1 OF 5	NTS	A-112	LEVEL 13 FLOOR PLAN	1:200	A-405	SOLAR ACCESS STUDY 3 OF 4	NTS
A-009	PHOTOMONTAGE 2 OF 5	NTS	A-113	LEVEL 14 FLOOR PLAN	1:200	A-406	SOLAR ACCESS STUDY 4 OF 4	NTS
A-010	PHOTOMONTAGE 3 OF 5	NTS	A-114	PLANT / ROOF PLAN	1:200	A-501	COLOUR AND MATERIALS SCHEDULE	NTS
A-011	PHOTOMONTAGE 4 OF 5	NTS	A-115	SCREENING DETAILS	1:200	A-601	DEMOLITION AND SITE MANAGEMENT PLAN	NTS
A-012	PHOTOMONTAGE 5 OF 5	NTS	A-201	WEST ELEVATION	1:100			
A-100	SITE PLAN	1:400	A-202	NORTH ELEVATION	1:100			
A-101	DETAILED SITE PLAN	1:200	A-203	EAST ELEVATION	1:200			
A-102	BASEMENT FLOOR PLAN	1:200	A-204	SOUTH ELEVATION	1:100			

NaTHERS THERMAL PERFORMANCE SPECIFICATION

January 2019 **BSA Reference: 13689**

Building Sustainability Assessments **Ph: (02) 4962 3439**
enquiries@buildingsustainability.net.au **www. buildingsustainability.net.au**

Important Note

The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and taks precedence over any other specification.
If different construction elements are applied then the Assessor Certificate is no longer valid.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction		*Added Insulation*
Brick Veneer (to Levels 1 - 3)		R2.0
75mm AAC + stud (to Levels 4 - 14)		R2.0
Internal Wall Construction		*Added Insulation*
Plasterboard on studs		none
75mm AAC+ studs + Plasterboard (party walls)		none
75mm AAC+ studs + Plasterboard (walls to corridors)		R2.0
Ceiling Construction		*Added Insulation*
Plasterboard	R3.5 to ceilings adjacent to roof space and decks above	
Roof Construction	*Colour*	*Added Insulation*
Concrete	Any	none
Floor Construction	*Covering*	*Added Insulation*
Concrete	As drawn	none

Windows *Glass and frame type*	*U Value*	*SHGC Range*	*To Units*
Performance glazing Type A	*4.10*	*0.42 - 0.52*	Unit 203,204,401,13011302,1402
Performance glazing Type B	*4.10*	*0.47 - 0.57*	Unit 203,204,401,13011302,1402
Performance glazing Type A	*5.40*	*0.44 - 0.54*	All other Units
Performance glazing Type B	*5.40*	*0.52 - 0.64*	All other Units

Type A windows are awning windows, bifolds, casements, tilt 'n 'turn' windows, entry doors, french doors
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvres

Skylights *Glass and frame type*	*U Value*	*SHGC*	*Area sq m*

U and SHGC values are according to AFRC. Alternate products may be used if the UI value is lower and the SHGC is within the range specified

External Window Shading *(eaves, verandahs, pergolas, awnings etc)*
All shade elements modelled as drawn

Ceiling Penetrations *(downlights, exhaust fans, flues etc)*
No adjustment has been made for losses to insulation arising from ceiling penetrations.

ARTIST IMPRESSION (YOUNG ST ASPECT)

Project : Young & Belmore Street, WOLLONGONG

Project No: 2018-14
Date: April 2018

	Controls	Proposed
Site Area (m²)	**1825m²**	
Wollongong LEP 2009		
Land use	B3 Commercial Core	Mixed Use Development
FSR	Refer Fig.B	3.56348.1
Height (m)	60m	Max Overall Height: 53.16m

Level	Commercial GFA	Residential GFA	1 bdrm	2 bdrm	3 bdrm	Unit Totals
Basement		9				
Lower Ground	153	20				
Upper Ground	622	45				
Level 1		557	0	8	0	8
Level 2		497	0	5	0	5
Level 3		550	0	3	0	3
Level 4		391	0	2	2	4
Level 5		360	2	3	0	5
Level 6		360	2	3	0	5
Level 7		360	2	3	0	5
Level 8		360	2	3	0	5
Level 9		360	2	3	0	5
Level 10		360	2	3	0	5
Level 11		360	2	3	0	5
Level 12		360	2	3	0	5
Level 13		275	0	0	2	2
Level 14		275	0	0	2	2
Excess Car Parking (8 cars)		103.7				
Total	775	5602.7	16	42	6	64
Unit Mix			25%	66%	9%	100%
Total Units		64				
Total GFA		6377.7				
Maximum Permissible GFA		6503				

Car Parking Requirements (RMS)	Min. rate	Allowable	Provided
Commercial	1/60m²	13	13
1 bdrm	0.6/unit	9.6	16
2 bdrm	0.9/unit	37.8	42
3 bdrm	1.4/unit	8.4	6
Visitor	1/5 units	13	13
Total		82	90

Accessible Parking Requirements	No. of Units	Allowable	Provided
Accessible Units 10% Residential	64	7	7
Accessible Commercial		1	1
Total		8	8

Bicycle Requirements	Min. rate	Allowable	Provided
Commercial Visitors	1/1000m²	1	1
Staff Bicycles	1/750m²	2	2
Residential	1/3 units	22	22
Visitor Bicycles	1/12 units	6	6
Total		33	33

Motorcycle Requirements	Min. rate	Allowable	Provided
Commercial	1/25 car spaces	1	1
Residential	1/15 units	5	5
Total		6	6

Waste Management		Garbage	Green	Recycling
Residential	Rate:	80L/unit/week		80L/unit/fortnight
	Weekly Total:	5120L		5120L
Total Bins Required	240L	21	1	21
Total Bins Provided	240L	21	1	21
Commercial Premises	Rate:	50L/100m²/day		50L/100m²/day
	Weekly Total:	2712L		2712L
Total Bins Required	1100L	3		3
Total Bins Provided	1100L	3		3

Figure A: Land Zoning Map

B3 Commercial Core

Figure B: Floor Space Ratio Map

For land within Zone B3 Commercial Core with a site area equal to or greater than 800 square metres and less than 2,000 square metres and a street frontage equal to or greater than 20 metres, the maximum floor space ratio for any building on that site is:

(a) (2 + 1.5X):1 if the building is used only for residential purposes, or

(b) (3.5 + 2.5X):1 if the building is used only for purposes other than residential purposes,

where:

X is (the site in square metres - 800) / 1200 = 0.854

(a) 3.281 : 1

(b) 5.635 : 1

Therefore:

- Commercial component constitutes 12% of the development.

and

- Residential component constitutes 88% of the development.

The resultant ratio calculation for the site is (12% x 5.635) + (88% x 3.281) = 3.56348:1

The FSR calculation is therefore 3.56348 x 1825m² = 6 503m²

Figure C: Heritage Map

Figure D: Height of Building Map

60m

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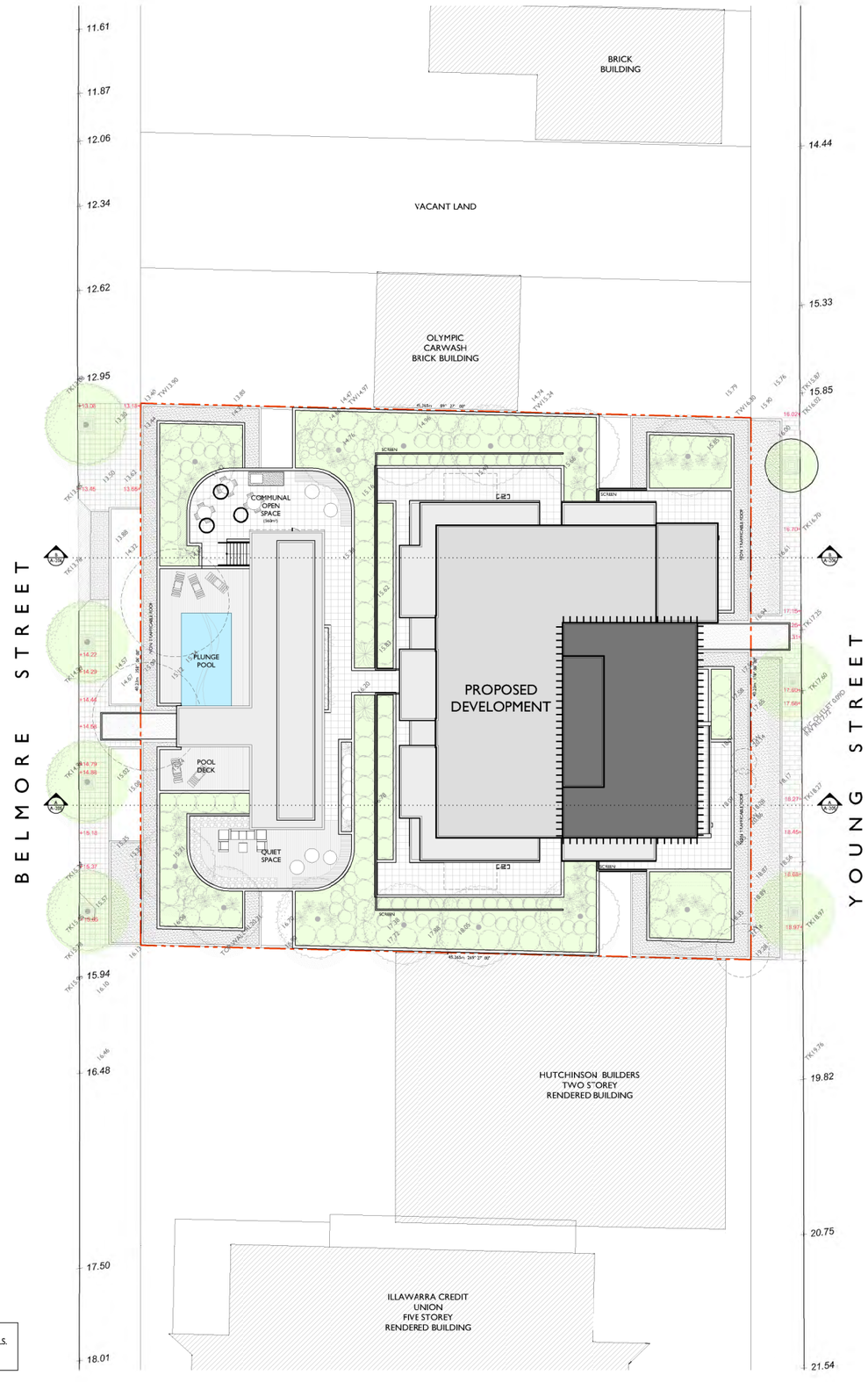
At
28-32 YOUNG STREET.
29-31 BELMORE STREET.
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SITE/DEVELOPMENT SUMMARY

Scale	Date
NTS	JANUARY 2019
Drawn	Checked
SJ DQ	ADM
Project No.	Drawing No.	Issue
2018-14	A-001	C



SITE PLAN

NOTE: REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR STORMWATER COLLECTION & ALL EXTERNAL SURFACE LEVELS. REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR ALL PAVING & PLANTING DETAILS.

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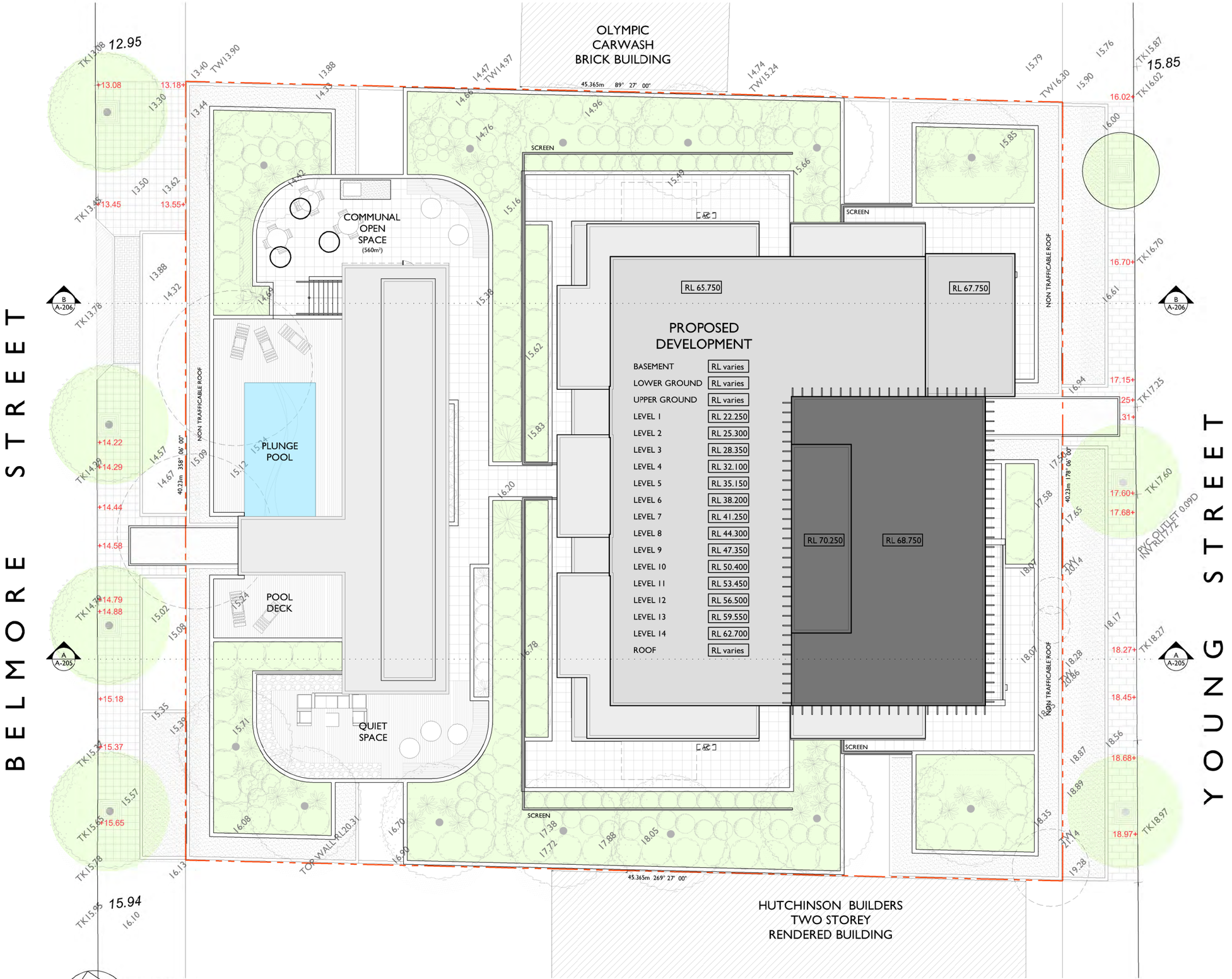
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SITE PLAN

Scale	Date
1:200 @ A1 1:400 @ A3	JANUARY 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-100	C



DETAILED SITE PLAN

NOTE: REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR STORMWATER COLLECTION & ALL EXTERNAL SURFACE LEVELS. REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR ALL PAVING & PLANTING DETAILS.

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	06.11.18	AMENDED FOR DA
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LEGEND

- 16.10 EXISTING RELATIVE LEVEL (AHD)
- RL varies PROPOSED STRUCTURAL LEVEL (AHD)
- 16.02+ PROPOSED SURFACE FLOOR LEVEL
- NEIGHBOURING BUILDING
- PROPOSED BUILDING
- PROPOSED LANDSCAPING

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WOLLONGONG

For
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Title
DEVELOPMENT APPLICATION
DETAILED SITE PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	JANUARY 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-101	C

ISSUE	DATE	DESCRIPTION
A	18.01.19	ISSUED FOR DA
B	08.03.19	ISSUED FOR DA

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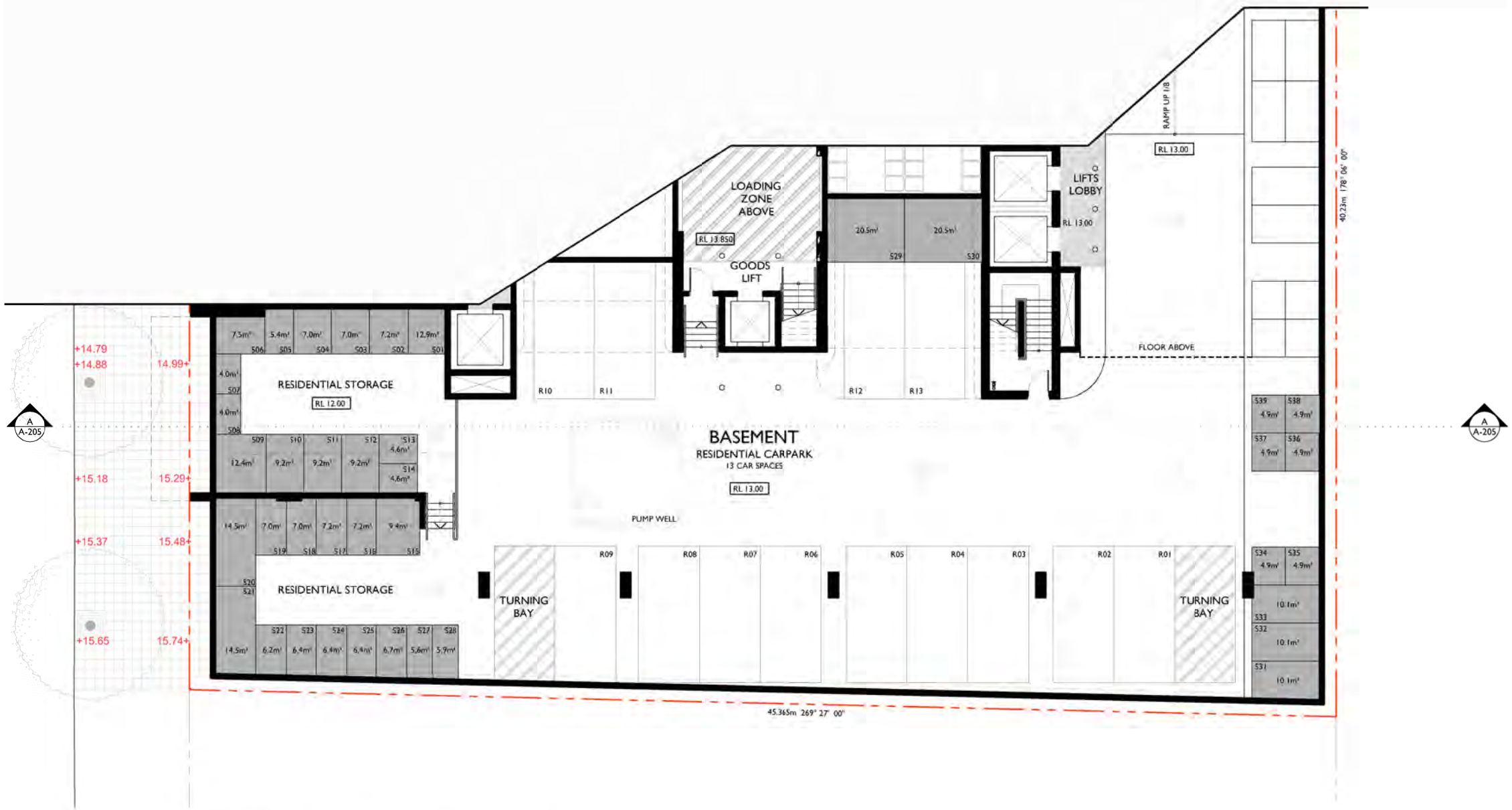
BELMORE STREET



BASEMENT FLOOR PLAN

BASEMENT RL varies

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At
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29-31 BELMORE STREET,
WOLLONGONG
For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
BASEMENT FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-102	B

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA

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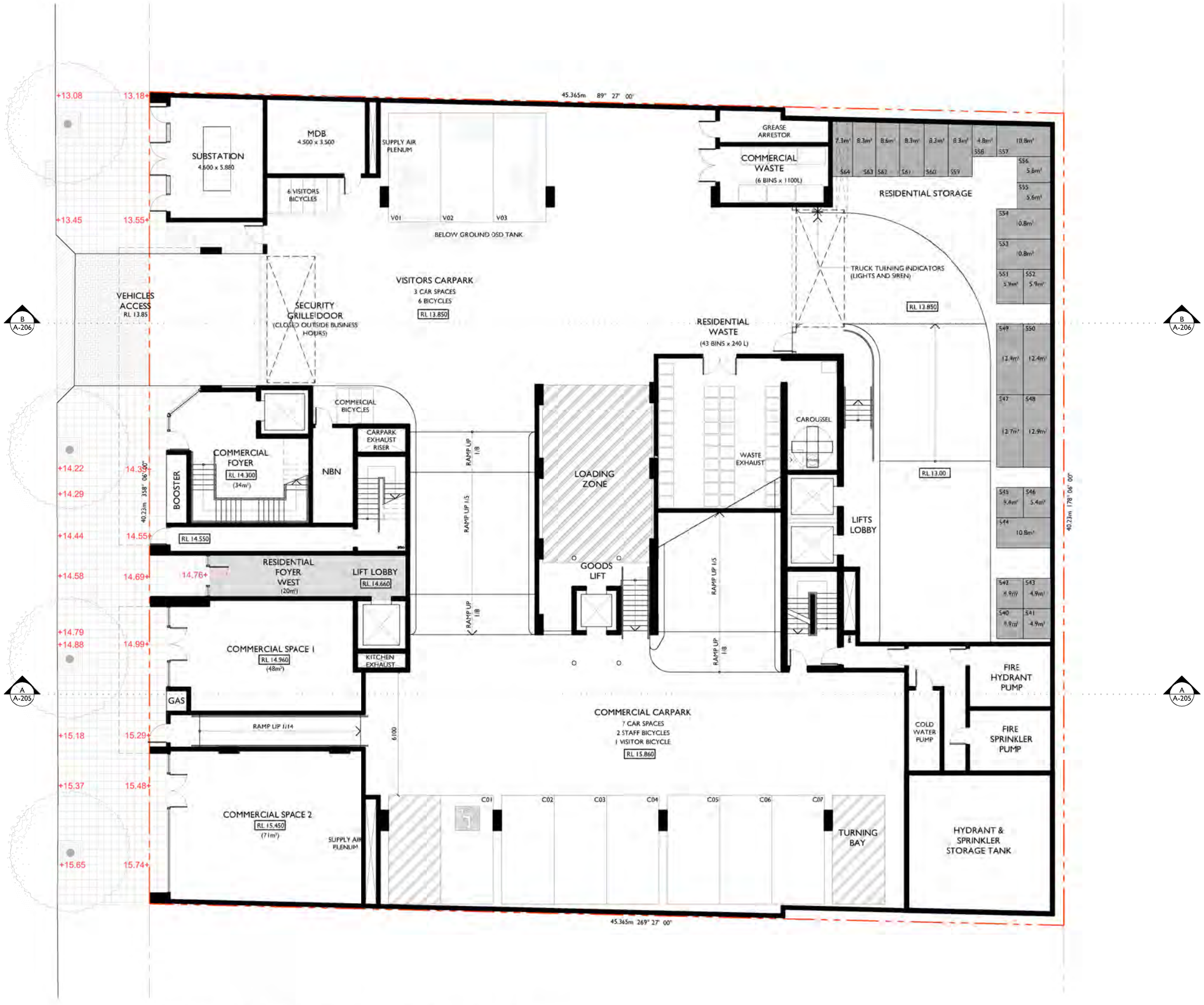
STREET

BELMORE



LOWER GROUND FLOOR PLAN

LOWER GROUND RL varies

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Title
DEVELOPMENT APPLICATION
LOWER GROUND FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-103	D

ISSUE	DATE	DESCRIPTION
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B	1.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA

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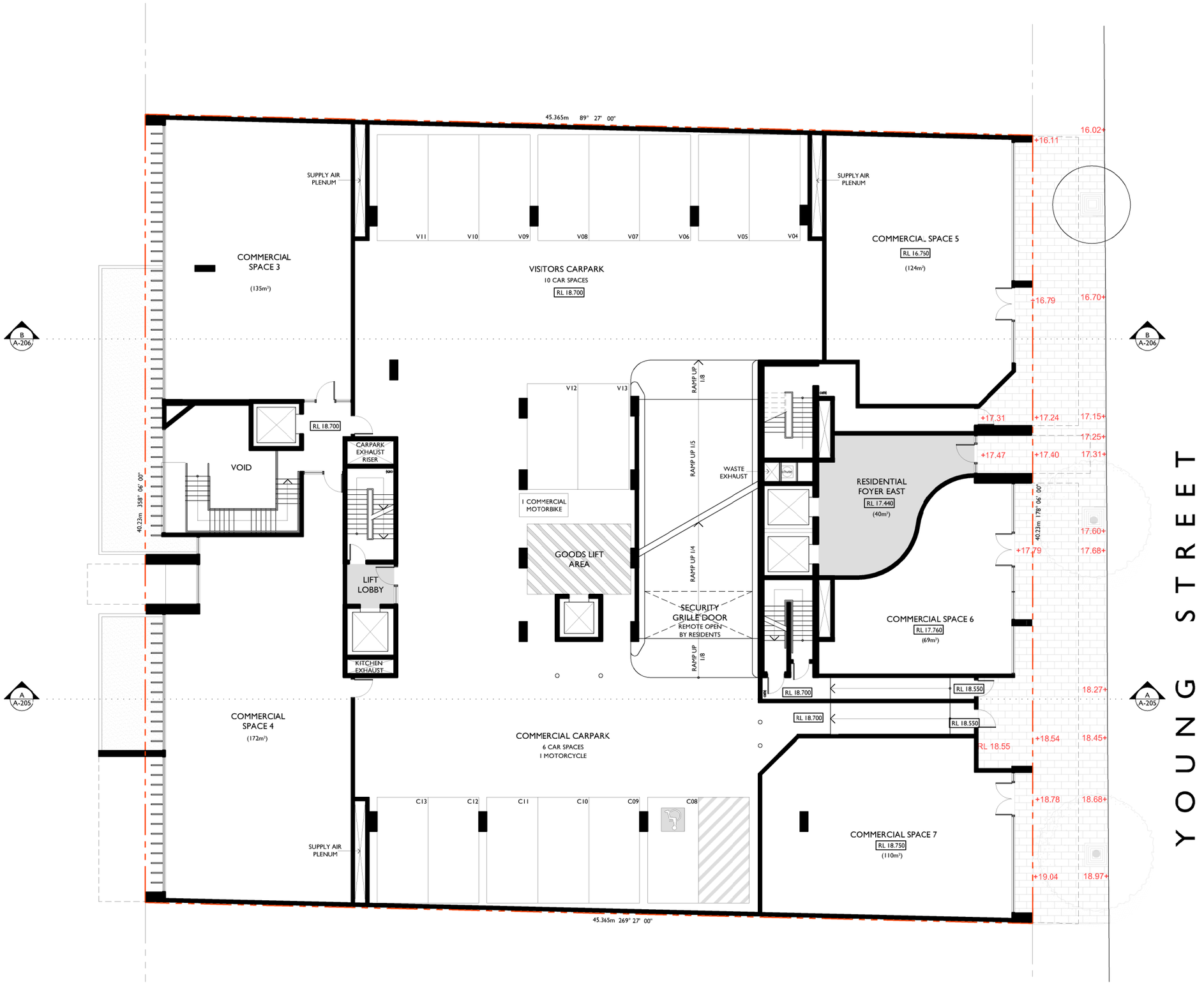

UPPER GROUND FLOOR PLAN

UPPER GROUND RL varies

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Title
DEVELOPMENT APPLICATION
UPPER GROUND FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	JANUARY 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-104	C

LEVEL 1 FLOOR PLAN

LEVEL 1 RL 22.250

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION

NOTE

UNITS 101, 102, 103, 104, 105, 106, 107, AND 108 MEET LIVABLE HOUSING GUIDELINES SILVER LEVEL.

SEE DRAWING A-105 AND PAGES 13-14 OF ACCESS REPORT FOR DETAILS ON COMPLIANCE.

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DEVELOPMENT APPLICATION
LEVEL 1 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-105	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA

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LEGEND
- SUNLIGHT ACCESS
- CROSS VENTILATION

LEVEL 2 FLOOR PLAN

LEVEL 2 RL 25.300

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For
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Title
DEVELOPMENT APPLICATION
LEVEL 2 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-106	D

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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LEGEND
- SUNLIGHT ACCESS
- CROSS VENTILATION

LEVEL 3 FLOOR PLAN

LEVEL 3 RL 28.350

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Title
DEVELOPMENT APPLICATION
LEVEL 3 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-107	E

LEVEL 4 FLOOR PLAN

LEVEL 4 RL 32.100

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
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For
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Title
DEVELOPMENT APPLICATION
LEVEL 4 FLOOR PLAN

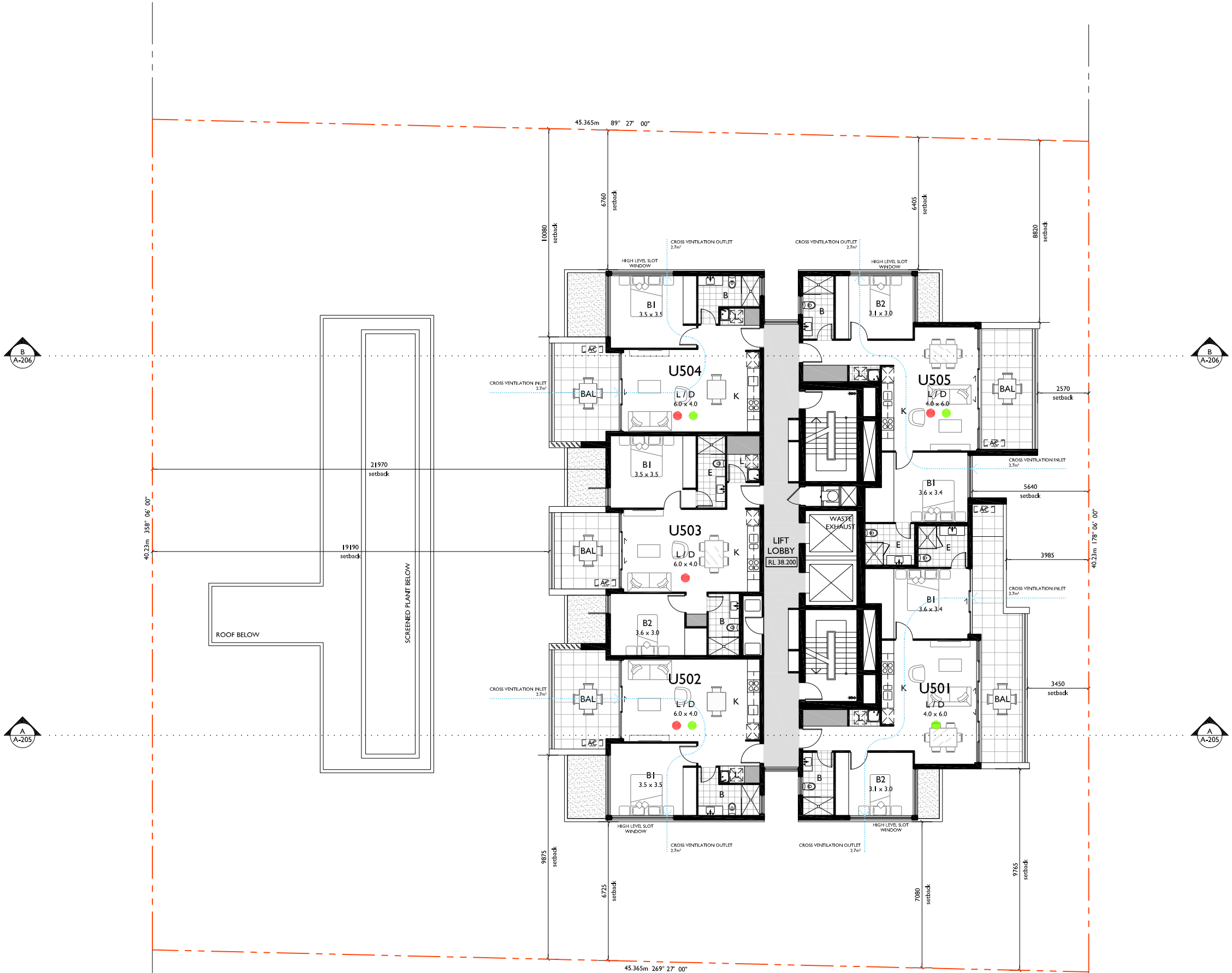
Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-108	D

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

NOT FOR CONSTRUCTION

LEGEND
- SUNLIGHT ACCESS
- CROSS VENTILATION



LEVEL 5 FLOOR PLAN

LEVEL 5 RL 35.150

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WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 5 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-109	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
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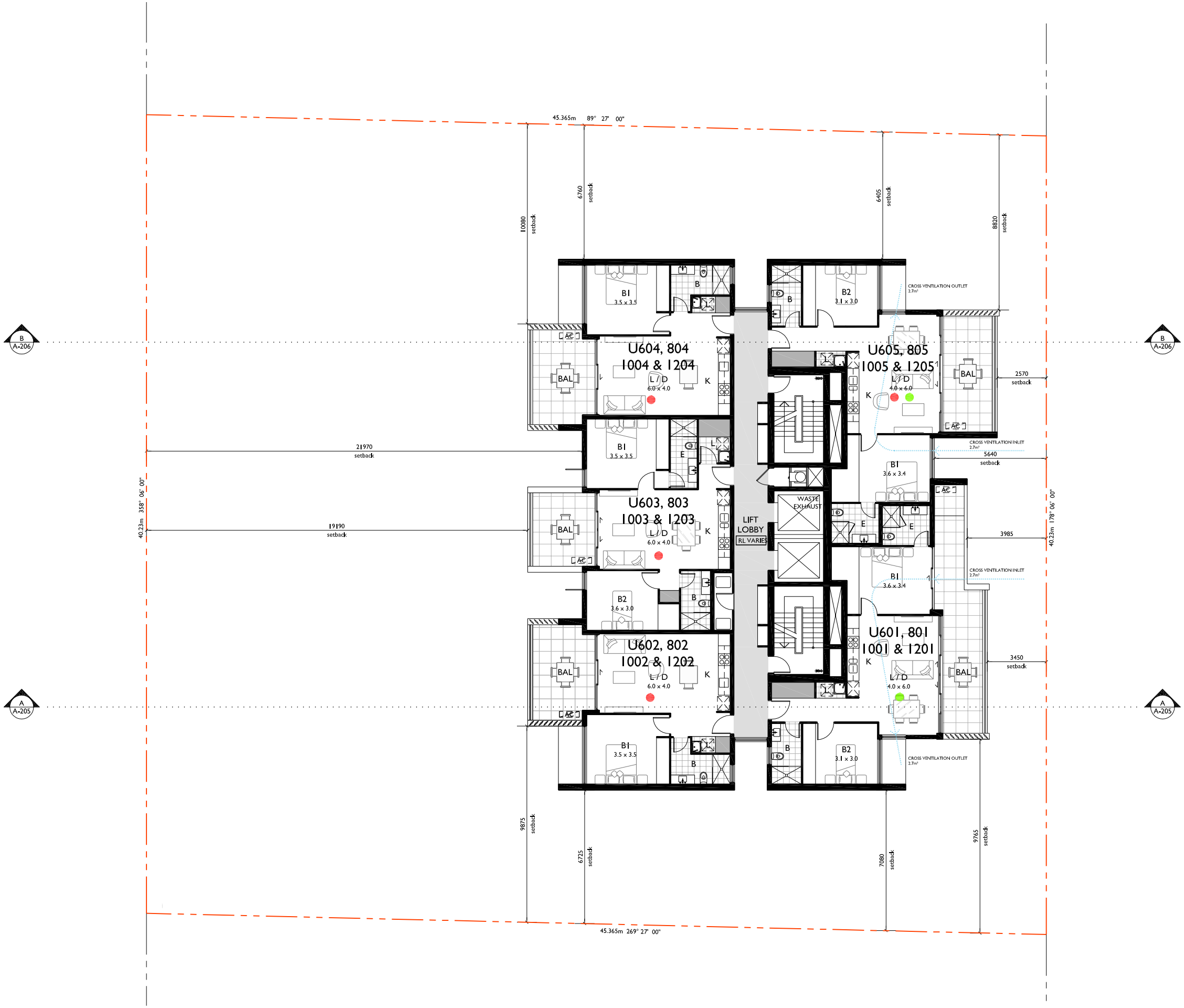
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

NOT FOR CONSTRUCTION



LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION

LEVEL 6, 8, 10 & 12 FLOOR PLAN

LEVEL 6	RL 38.200	LEVEL 8	RL 44.300
LEVEL 10	RL 50.400	LEVEL 12	RL 56.500

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At
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29-31 BELMORE STREET.
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 6, 8, 10 & 12 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-110	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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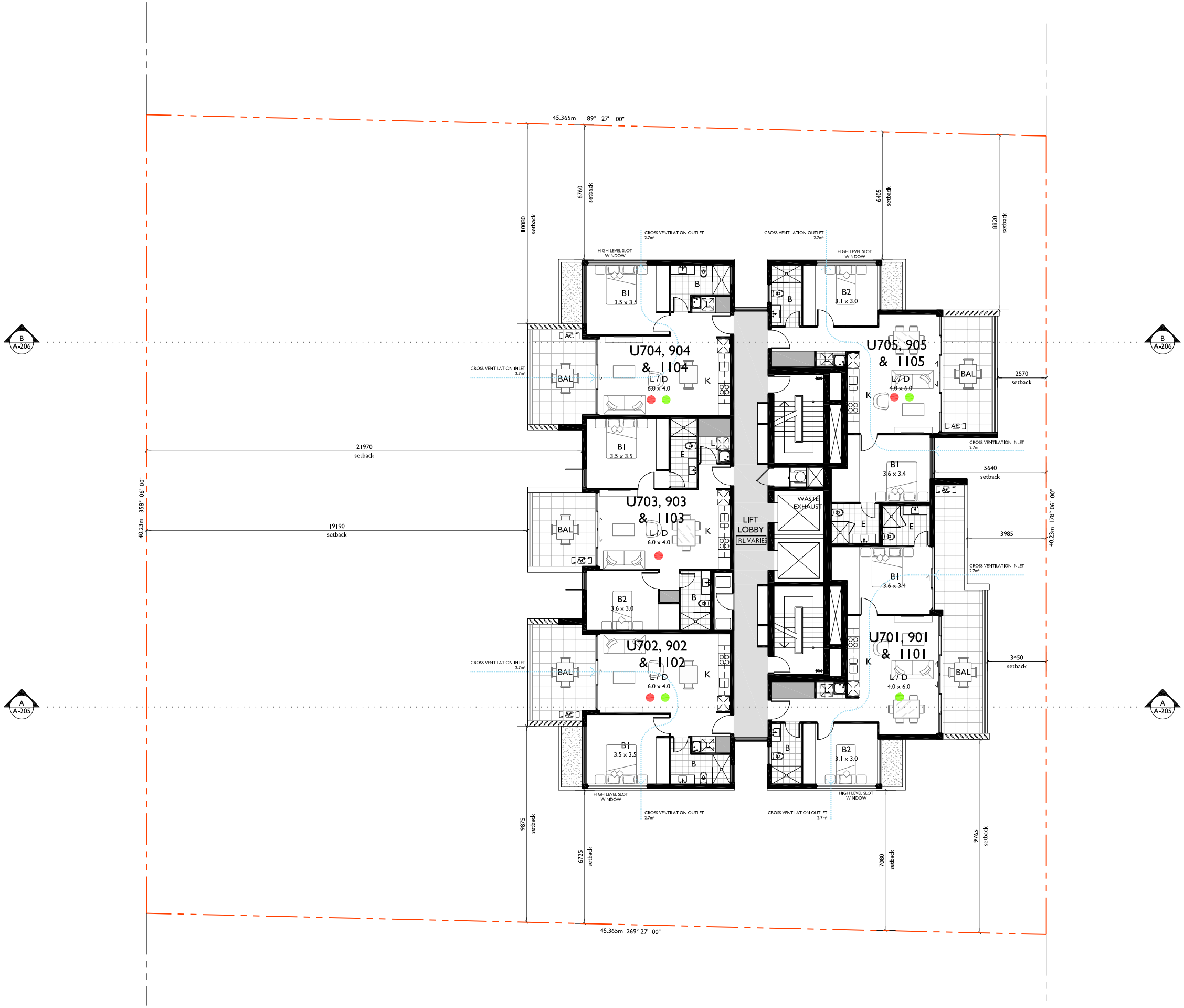
LEGEND
- SUNLIGHT ACCESS
- CROSS VENTILATION



LEVEL 7, 9 & 11 FLOOR PLAN

LEVEL 7	RL 41.250	LEVEL 9	RL 47.350
LEVEL 11	RL 53.450		

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WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 7, 9 & 11 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-111	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA

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LEGEND
- SUNLIGHT ACCESS
- CROSS VENTILATION

LEVEL 13 FLOOR PLAN

LEVEL 13 RL 59.550

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For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 13 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	JANUARY 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-112	C

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA

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LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION

LEVEL 14 FLOOR PLAN

LEVEL 14 RL 62.700

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WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 14 FLOOR PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	JANUARY 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-113	C

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	06.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA

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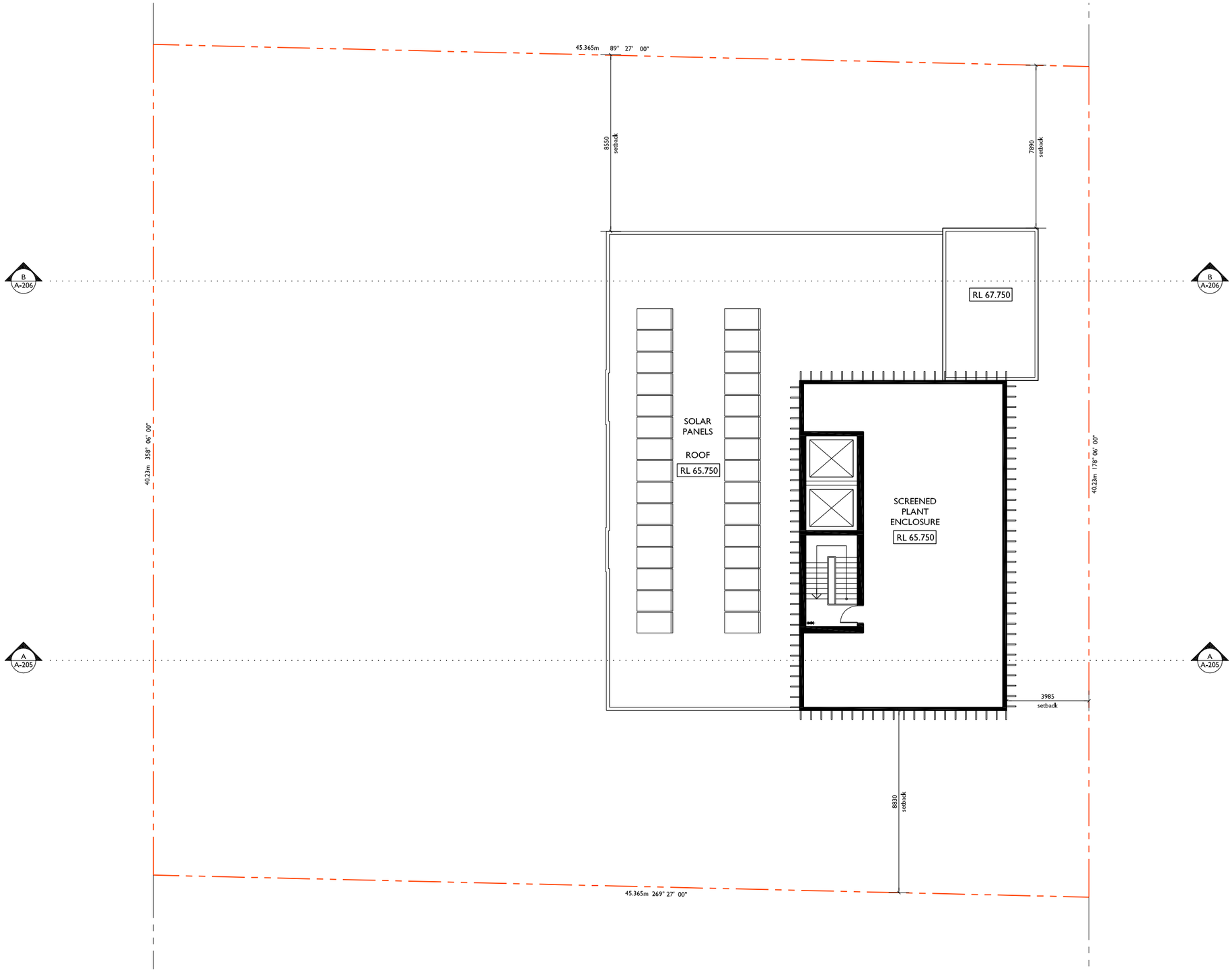


ROOF PLAN

ROOF RL varies

94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4228 6455 www.admarchitects.com.au

Project
PROPOSED MIXED USE BUILDING COMPRISING OF RESIDENTIAL APARTMENTS ABOVE RETAIL / COMMERCIAL PREMISES AND CARPARKING

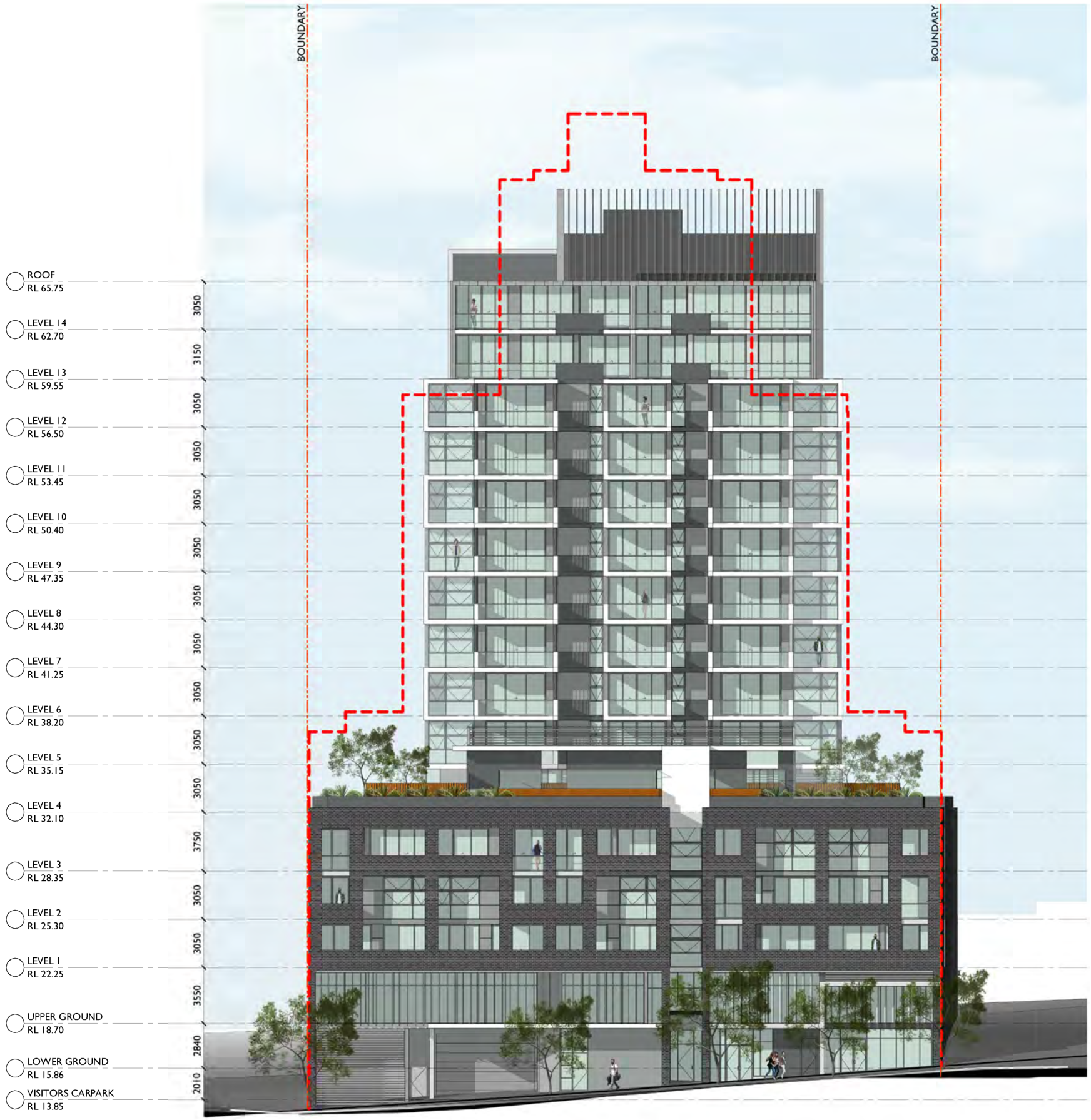
At
28-32 YOUNG STREET,
29-31 BELMORE STREET.
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
ROOF PLAN

Scale	Date
1:100 @ A1 1:200 @ A3	JANUARY 2019
Drawn	Checked
LGD SJ	ADM

Project No.	Drawing No.	Issue
2018-14	A-114	C



WEST ELEVATION
BELMORE STREET ASPECT

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

NOT FOR CONSTRUCTION

OUTLINE OF APPROVED DA 2016-1061 SHOWN DASHED

adm ARCHITECTS
94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

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Title
DEVELOPMENT APPLICATION
WEST ELEVATION

Scale	Date
1:150 @ A1 1:300 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-201	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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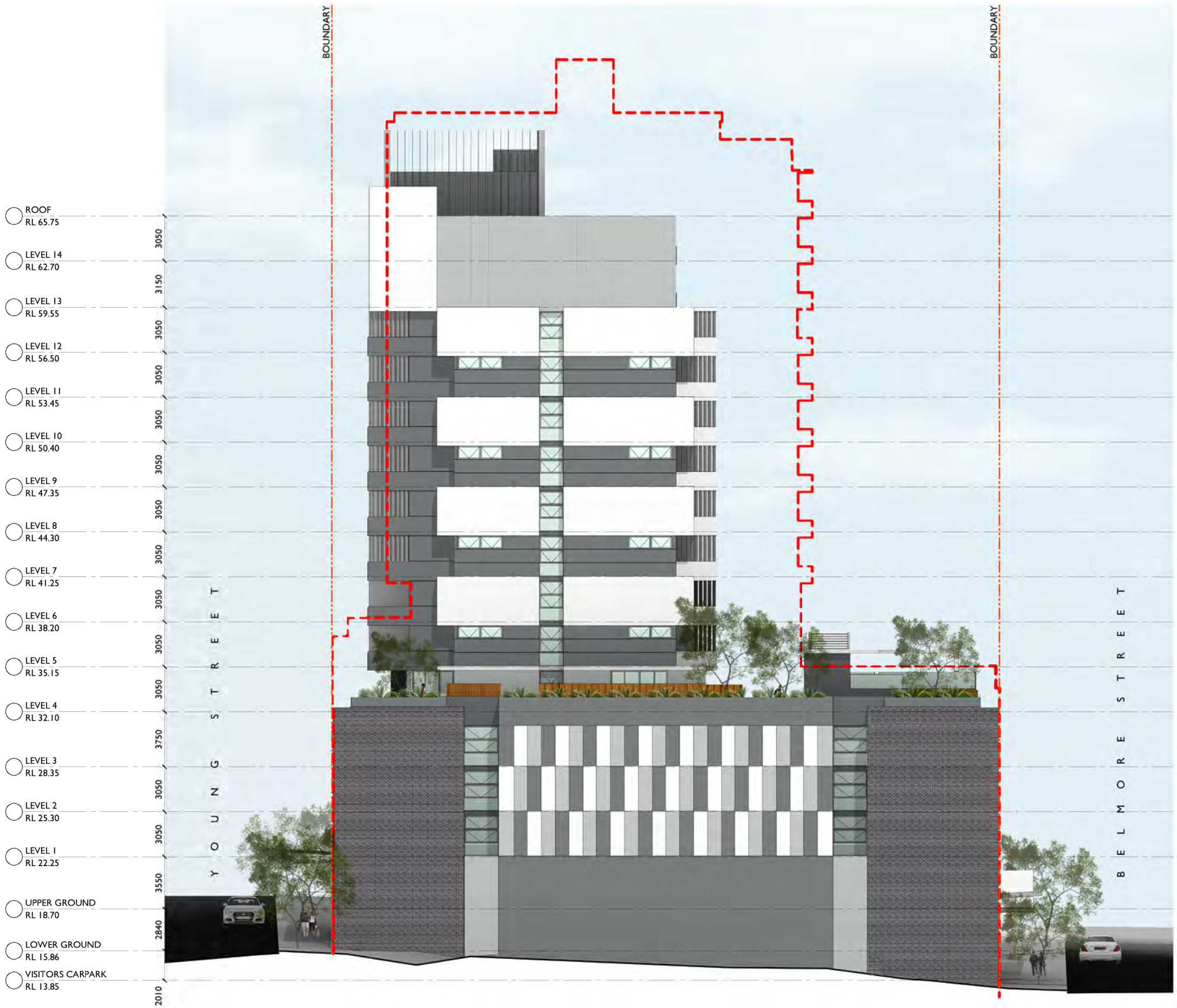

OUTLINE OF APPROVED DA 2016-1061 SHOWN DASHED

NORTH ELEVATION

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94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

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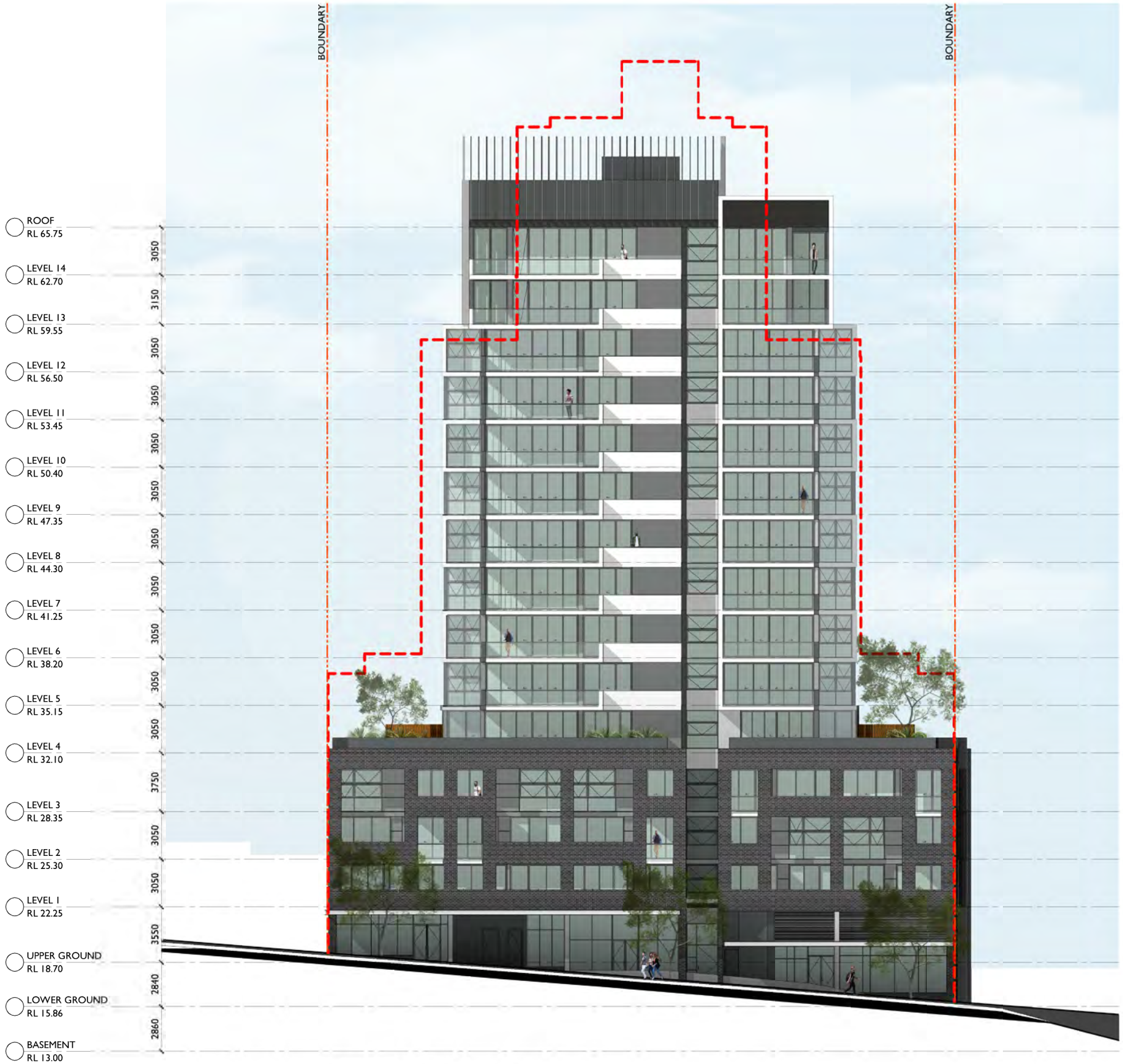
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
NORTH ELEVATION

Scale	Date
1:150 @ A1 1:300 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-202	E



EAST ELEVATION
YOUNG STREET ASPECT

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

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At
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29-31 BELMORE STREET,
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
EAST ELEVATION

Scale	Date
1:150 @ A1 1:300 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-203	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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SOUTH ELEVATION

OUTLINE OF APPROVED DA 2016-1061 SHOWN DASHED

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94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4226 6455 www.admarchitects.com.au

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At
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WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SOUTH ELEVATION

Scale	Date
1:150 @ A1 1:300 @ A3	MARCH 2019
Drawn	Checked
LGD SJ DQ	ADM

Project No.	Drawing No.	Issue
2018-14	A-204	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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SECTION A - A

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94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

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For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SECTION A - A

Scale	Date
1:150 @ A1 1:300 @ A3	MARCH 2019
Drawn	Checked
LGD SJ	ADM

Project No.	Drawing No.	Issue
2018-14	A-205	E

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA
C	18.01.19	AMENDED FOR DA
D	08.03.19	AMENDED FOR DA
E	11.03.19	AMENDED FOR DA

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SECTION B - B

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94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

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WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SECTION B - B

Scale	Date
1:150 @ A1 1:300 @ A3	MARCH 2019
Drawn	Checked
LGD SJ	ADM

Project No.	Drawing No.	Issue
2018-14	A-206	E

Attachment 4: Apartment Design Guide assessment table

Standard/control	*Comment*
Part 3 – Siting the development	
3A Site analysis	
Site analysis to include the following: • Site location plan • Aerial photograph • Local context plan • Site context and survey plan • Streetscape elevations and sections • Analysis	A suitable analysis of the site and surrounds has been provided.
3B Orientation	
Objective 3B-1	
Building types and layouts respond to the streetscape and site while optimising solar access within the development	The building bulk is considered acceptable with regard to the streetscape.
Objective 3B-2	
Overshadowing of neighbouring properties is minimised during mid-winter	The proposal is not considered to unreasonably overshadow adjoining development.
3C Public domain interface	
Objective 3C-1	
Transition between private and public domain is achieved without compromising safety and security	The development is considered to provide an acceptable interface with the public domain as follows: • Level entry is provided into the building • Entries are clear and legible. • There are no significant concealment opportunities.
Objective 3C-2	
Amenity of the public domain is retained and enhanced	• Street trees are to be provided. • The footpath for the entire frontage will be renewed. • The substation is integrated into the building and does not detract from aesthetic of the building • Mailboxes are located in the lobby

Standard/control	*Comment*
3D Communal and public open space	
Objective 3D-1	
Communal open space has a minimum area equal to 25% of the site	The communal open space is approximately 500m². The minimum area recommended is 1,825 x 0.25 = 456m².
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The communal open space will achieve acceptable solar access.
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space	
Objective 3D-2	
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	The communal open space incorporates a pool and spa area and two other seating areas which provide opportunities for residents to interact socially.
Objective 3D-3	
Communal open space is designed to maximise safety	Passive surveillance of the communal open space is provided and the areas are to be suitably lit.
Objective 3D-4	
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	N/A
3E Deep soil zones	
Objective 3E-1	
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	The site is located within the city centre where deep soil planting is generally not required so long as sufficient planting on podium is provided.

Standard/control	*Comment*
3F Visual privacy *Objective 3F-1* Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: Building height / Habitable rooms and balconies / Non-habitable rooms up to 12m (4 storeys) / 6m / 3m up to 25m (5-8 storeys) / 9m / 4.5m over 25m (9+ storeys) / 12m / 6m *Objective 3F-2* Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Zero setback is proposed up to level 4 which is satisfactory with regard to other Council controls (e.g.) Between the podium and 25m, the setback from the side boundaries complies. Above 25m, the setback from balconies does not comply (being between 8.8m to 10m) The variation is discussed in the body of the assessment report. Communal open space, common areas and access paths are separated from private open space and windows into apartments. Balconies and private terraces are located to minimise adverse acoustic or privacy impacts to adjoining units within the building. Screens are provided to balconies where there may be an interface with future development on adjoining land. It is noted that the development takes a defensive approach to both side boundaries in order to utilise the lesser setback distances. This does not take full advantage of opportunities in regard to aspect, natural light or ventilation. Notwithstanding, the development is considered to achieve acceptable amenity for the occupants. This was also a design approach that was generally supported by the DRP.
3G Pedestrian access and entries *Objective 3G-1* Building entries and pedestrian access connects to and addresses the public domain *Objective 3G-2* Access, entries and pathways are accessible and easy to identify	Building entries are clearly identifiable. Entries are clearly visible from the public domain. Level changes are suitably addressed

Standard/control	*Comment*
Objective 3G-3	
Large sites provide pedestrian links for access to streets and connection to destinations	The site is not identified in Council documents as one where a through site link is desirable.
3H Vehicle access	
Objective 3H-1	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The car park entry is suitably located. Clear sight lines are provided at the vehicle crossing.
3J Bicycle and car parking	
Objective 3J-1	
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	The minimum car parking requirement applicable for residents and visitors is that set out in the RMS Guide to Traffic Generating Developments. The development complies in this regard.
Objective 3J-2	
Parking and facilities are provided for other modes of transport	Motorbike parking complies with the RMS guide. Secure undercover bicycle parking is provided.
Objective 3J-3	
Car park design and access is safe and secure	Satisfactory
Objective 3J-4	
Visual and environmental impacts of underground car parking are minimised	The car parking is primarily located above ground. Detail is provided of ventilation of the car parking.
Objective 3J-5	
Visual and environmental impacts of on-grade car parking are minimised	N/A
Objective 3J-6	
Visual and environmental impacts of above ground enclosed car parking are minimised	The proposal includes 4 levels of above ground car parking. The parking areas are sleeved at the street frontages by units. The side elevations of the podium are somewhat bulky when viewed in isolation however future built form on adjoining land will likely obscure that. In the interim, there are recessed ventilation shafts on the north and south elevations and a mixture of finishes which provide some visual relief and mitigate the bulk of those elevations.

Standard/control	*Comment*
Part 4	
4A Solar and daylight access	
Objective 4A-1	
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	~73% achieve the minimum solar access.
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	
Objective 4A-2	
Daylight access is maximised where sunlight is limited	The development is considered to receive provide acceptable daylight access.
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	High sill windows on the northern and southern elevations are secondary light sources only.
Objective 4A-3	
Design incorporates shading and glare control, particularly for warmer months	The east and west elevation have recessed balcony areas or reduced glazing to minimise heat gain.
4B Natural ventilation	
Objective 4B-1	
All habitable rooms are naturally ventilated	Satisfactory
The area of unobstructed window openings should be equal to at least 5% of the floor area served	
Objective 4B-2	
The layout and design of single aspect apartments maximises natural ventilation	Single aspect units comply with the maximum depth controls.
Effective cross ventilation is achieved when the inlet and outlet have approximately the same area	
Objective 4B-3	
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	A minimum of 60% of the apartments in the first 9 storeys are naturally cross ventilated.
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	Floor to ceiling heights and depths of units are satisfactory.
Effective cross ventilation is achieved when the inlet and outlet have approximately the same area.	Inlet and outlet openings are of the same approximate area for those units counted in this assessment.
4C Ceiling heights	
Objective 4C-1	
Ceiling height achieves sufficient natural ventilation and daylight access	The floor to ceiling heights are a minimum of 2.7m.

Standard/control	*Comment*
Objective 4C-2	
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	Satisfactory
Objective 4C-3	
Ceiling heights contribute to the flexibility of building use over the life of the building	N/A
4D Apartment size and layout	
Objective 4D-1	
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Apartments meet the minimum dimensions. Habitable rooms have windows in external walls of a minimum of 10% of the floor area of the rooms. Windows are visible from all points within habitable rooms. Kitchens are not located in the main circulation space of larger apartments.
Objective 4D-2	
Environmental performance of the apartment is maximised	Habitable room depths are limited to a maximum of 2.5 x the ceiling height (~7m). maximum habitable room depth in open plan layouts is no greater than 8m from a window.
Objective 4D-3	
Apartment layouts are designed to accommodate a variety of household activities and needs	Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments A number of units have direct access from bedrooms onto living areas contrary to this control. This is discussed in the body of the assessment report. All bedrooms allow a minimum length of 1.5m for robes The main bedrooms are provided with wardrobes a minimum of 1.8m long, 0.6m deep and 2.1m high. The apartment layouts are considered acceptable in terms of flexibility of use.

Standard/control	*Comment*
4E Private open space and balconies	
Objective 4E-1	
Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Primary balconies meet the minimum 2m dimension and minimum area requirements.
Objective 4E-2	
Primary private open space and balconies are appropriately located to enhance liveability for residents	• Primary open space and balconies are located adjacent to the living rooms, dining rooms or kitchens • Private open spaces and balconies oriented to maximise solar access.
Objective 4E-3	
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Satisfactory
Objective 4E-4	
Private open space and balcony design maximises safety	Satisfactory
4F Common circulation and spaces	
Objective 4F-1	
Common circulation spaces achieve good amenity and properly service the number of apartments	• A maximum of 6 apartments are accessed off a circulation core. • The maximum number of apartments sharing a single lift is does not exceed 40. • Natural light is provided to hallways.
Objective 4F-2	
Common circulation spaces promote safety and provide for social interaction between residents	Satisfactory
4G Storage	
Adequate, well designed storage is provided in each apartment	Provided.
Objective 4G-2	
Additional storage is conveniently located, accessible and nominated for individual apartments	Secure storage areas are provided for units within the basement.
4H Acoustic privacy	
Objective 4H-1	
Noise transfer is minimised through the siting of buildings and building layout	Noisy areas are located next to or above each other and quieter areas next to or above quieter areas. Noise sources are separated from bedrooms. Noise transfer between buildings is addressed by generally meeting setback requirements.

Standard/control	*Comment*
Objective 4H-2	
Noise impacts are mitigated within apartments through layout and acoustic treatments	Internal layout designed to minimise noise transference between units.
4J Noise and pollution	
Objective 4J-1	
In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Satisfactory
Objective 4J-2	
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	N/A
4K Apartment mix	
Objective 4K-1	
A range of apartment types and sizes is provided to cater for different household types now and into the future	A suitable mix of unit sizes is provided.
Objective 4K-2	
The apartment mix is distributed to suitable locations within the building	Satisfactory
4L Ground floor apartments	
Objective 4L-1	
Street frontage activity is maximised where ground floor apartments are located.	N/A
4M Facades	
Objective 4M-1	
Building facades provide visual interest along the street while respecting the character of the local area	The building façade incorporates a mixture of materials. Building services are integrated into the building. The facades of the building incorporate a mixture of solid areas, glazing and vertical elements.
Objective 4M-2	
Building functions are expressed by the façade	The building entry is clearly defined. The apartment layout is expressed externally
4N Roof design	
Objective 4N-1	
Roof treatments are integrated into the building design and positively respond to the street	Satisfactory
Objective 4N-2	
Opportunities to use roof space for residential accommodation and open space are maximised	N/A

Standard/control	*Comment*
Objective 4N-3	
Roof design incorporates sustainability features	Satisfactory
4O Landscape design	
Objective 4O-1	
Landscape design is viable and sustainable	Acceptable landscaped areas have been provided. Council's Landscape Officer has reviewed the proposal in respect of the type and nature of the planting and has provided a satisfactory referral subject to conditions of consent.
Objective 4O-2	
Landscape design contributes to the streetscape and amenity	Street trees are to be provided along the Belmore frontage and new footpath which will improve the amenity of the public domain.
4P Planting on structures	
Objective 4P-1	
Appropriate soil profiles are provided	The planting on structure is considered to be of a type and scale which provides amenity to residents of the building. Council's Landscape Officer has reviewed the proposal in respect of the type and nature of the planting and has provided conditions of consent.
Objective 4P-2	
Plant growth is optimised with appropriate selection and maintenance	
Objective 4P-3	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal design	
Objective 4Q-1	
Universal design features are included in apartment design to promote flexible housing for all community members	20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features
Objective 4Q-2	
A variety of apartments with adaptable designs are provided	Satisfactory
Objective 4Q-3	
Apartment layouts are flexible and accommodate a range of lifestyle needs	Satisfactory
4R Adaptive reuse	
N/A	
4S Mixed use	
Objective 4S-1	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Satisfactory

Standard/control	*Comment*
Objective 4S-2	
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Satisfactory
4T Awnings and signage	
Objective 4T-1	
Awnings are well located and complement and integrate with the building design	Satisfactory
Objective 4T-2	
Signage responds to the context and desired streetscape character	No signage is proposed.
4U Energy efficiency	
Objective 4U-1	
Development incorporates passive environmental design	Satisfactory natural light is provided to habitable rooms. Suitable areas for clothes drying provided.
Objective 4U-2	
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	A BASIX Certificate has been provided which outlines mechanisms to achieve the minimum thermal comfort targets. Balconies are recessed providing shade to adjacent living spaces during hotter periods of the day. The layout of units provides satisfactory orientation to achieve solar access in cooler months.
Objective 4U-3	
Adequate natural ventilation minimises the need for mechanical ventilation	The development meets the minimum natural ventilation requirements.
4V Water management and conservation	
Objective 4V-1	
Potable water use is minimised	The development will comply with BASIX requirements with regard to water use. Runoff is collected for reuse in landscaped areas.
Objective 4V-2	
Urban stormwater is treated on site before being discharged to receiving waters	N/A
Objective 4V-3	
Flood management systems are integrated into site design	N/A

Standard/control	*Comment*
4W Waste management	
Objective 4W-1	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage is within the basement. The waste storage area is of a suitable size to accommodate expected waste generation for the development. On-site collection is proposed and suitable manoeuvring areas, loading areas and ceiling heights are provided.
Objective 4W-2	
Domestic waste is minimised by providing safe and convenient source separation and recycling	• Kitchens are considered large enough to accommodate waste and recycling cupboard or temporary storage area of sufficient size to hold two days waste and recycling. • Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. • Alternative waste disposal methods such as composting are provided
4X Building maintenance	
Objective 4X-1	
Building design detail provides protection from weathering	Satisfactory
Objective 4X-2	
Systems and access enable ease of maintenance	Satisfactory
Objective 4X-3	
Material selection reduces ongoing maintenance costs	Satisfactory

ATTACHMENT 5 - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 COMPLIANCE TABLES

CHAPTER A1 – Introduction

Variations to DCP controls are discussed in the body of the body of the assessment report.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as follows:

- The building achieves the minimum cross ventilation and solar access requirements.
- BASIX targets are met.
- A Site Waste Management and Minimisation Plan has been provided indicating appropriate management and disposal of any excavated materials.
- The proposal will not have an unreasonable impact on any heritage items or environmentally **sensitive** areas.
- The proposal is an efficient use of land in a location that is close to services and public open space.
- The landscaped areas are to be watered from rainwater harvesting.

CHAPTER D13 – WOLLONGONG CITY CENTRE

2 Building form

Objectives/controls	*Comment*
2.2 Building to street alignment and street setbacks	
0m setback to street frontage height	Complies
4m setback above street frontage height	See variation discussion at Chapter A1 in the assessment report.
2.3 Street frontage heights in commercial core	
Buildings built to the street alignment and with a height to street width ratio of approximately 1:1 give a sense of enclosure to the street that is appropriate for a city centre. In Wollongong, streets in the Commercial Core are generally 20 metres wide, generating a preferred street front height of between 12m and 24m, subject to context and sun access requirements. The objectives of this control are a) To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees. b) To reinforce the intrinsic character of Wollongong City Centre while enabling flexibility in building design. c) To enhance the distinctive character of Special Areas with compatible development. d) To protect solar access to key streets and public spaces.	The street width (property boundary to property boundary) is ~21m and the proposed street frontage height is between approximately 13.8m and 16.5m.

Objectives/controls	*Comment*
2.4 Building depth and bulk	
900m² maximum floor plate	Complies
Maximum 18m building depth	
2.5 Side and rear building setbacks and building separation	
Residential uses up to 12m in height	
• habitable rooms with openings and balconies: side 6m / rear 6m	A zero setback is proposed however this is consistent with the requirement that there be no separation up to street frontage height.
• non-habitable rooms and habitable rooms without openings: side 3m / rear 4.5m	
Residential uses between 12m & 24m	
• habitable rooms with openings and balconies: side 9m / rear 9m	Side setbacks on level 4 from private open spaces are ~4m. Those balconies are provided with screening to address privacy.
• non-habitable rooms and habitable rooms without openings: side 4.5m / rear 4.5m	Complies
Residential uses above 24m	
• habitable rooms with openings and balconies and up to 45m (12 side / 12 rear)	Between 24m and 45m the setbacks from balcony edges are replicated from the level below, being between 8.82m and 10m on the north and 9.8m and 9.9m on the south. The setbacks are considered acceptable with regard to the ADG which takes precedence as discussed at 4.
• non-habitable rooms and habitable rooms without openings (6 side / 6 rear)	Complies
All residential uses above 45m	
14m side / 14m rear	Levels 13 and 14 sit above 45m and have setbacks of between 7.89m (north) and 8.495m (South). The setbacks are considered acceptable with regard to the ADG which takes precedence as discussed at 4.
2.6 Mixed used buildings	
a) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.	Two levels of commercial are provided on the Belmore Street frontage.

Objectives/controls	*Comment*
b) Minimum floor to ceiling heights are 3.3 metres for commercial office and 3.6 metres for active public uses, such as retail and restaurants in the B3 Commercial Core zone. In the B4 Mixed Use zone, the ground floor and first levels of a building shall incorporate a minimum 3 metre floor to ceiling height clearance, to maximise the flexibility in the future use of the building.	Complies
c) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.	Complies
d) Locate clearly demarcated residential entries directly from the public street.	Complies
e) Clearly separate and distinguish commercial and residential entries and vertical circulation.	Complies
f) Provide security access controls to all entrances into private areas, including car parks and internal courtyards.	Complies
g) Provide safe pedestrian routes through the site, where required.	Provided.
h) Front buildings onto major streets with active uses.	Complies
i) Avoid the use of blank building walls at the ground level.	Complies
j) For mixed use buildings that include food and drink premises uses, the location of kitchen ventilation systems shall be indicated on plans and situated to avoid amenity impacts to residents.	N/A
<u>2.7 Deep soil zone</u>	
For residential components in mixed use developments in the Commercial Core, Mixed Use (city edge) and Enterprise zones, the amount of deep soil zone may be reduced commensurate with the extent of non-residential uses. Where non-residential components result in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.8 and 2.9. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.	Satisfactory
<u>2.8 Landscape design</u>	
The objectives of this control are as follows: a) To ensure landscaping is integrated into the design of development. b) To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. c) To improve stormwater quality and control run-off. d) To improve the microclimate and solar performance within the development. e) To improve urban air quality and contribute to biodiversity.	Substantial landscaping is provided on the podium. This has been reviewed as being satisfactory by Council's Landscape Officer who has recommended conditions of consent. This includes a requirement that part of the open area be provided with a shade and weather proof structure.

Objectives/controls	*Comment*
2.9 Green roofs, green walls and planting on structures a) Design for optimum conditions for plant growth by: i) Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, ii) Providing appropriate soil conditions and irrigation methods, and iii) Providing appropriate drainage. b) Design planters to support the appropriate soil depth and plant selection by: i) Ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and ii) Providing square or rectangular planting areas rather than narrow linear areas. c) Increase minimum soil depths in accordance with: i) The mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, ii) The level of landscape management, particularly the frequency of irrigation, iii) Anchorage requirements of large and medium trees, and iv) Soil type and quality. d) Provide sufficient soil depth and area to allow for plant establishment and growth. 2.10 Sun access planes N/A 2.11 Development on classified roads N/A	Council's Landscape Officer has reviewed the proposed podium planting and has provided a satisfactory referral.

3 Pedestrian amenity

Objectives/controls	*Comment*
3.2 Permeability N/A	

Objectives/controls	*Comment*
3.3 Active street frontages	
a) In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level.	Ground floor contains commercial uses with glazed facades.
b) Active street fronts in the form of non-residential uses on ground level are required along streets, lanes and through site links shown in Figure 3.4 for all buildings in the Commercial Core and Tourist zones, and for mixed use buildings in the Mixed Use (city edge) and Enterprise zones.	Entries to commercial tenancies are level with footpath. Entrances provided on both street frontages.
c) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	
d) For all non-residential ground floor frontages outside the streets shown in Figure 3.4, provide clear glazing where ever possible to promote passive surveillance and contribute to street activity.	
e) Restaurants, cafes and the like are to consider providing openable shop fronts.	
f) Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	
g) Provide multiple entrances for large developments including an entrance on each street frontage.	
3.4 Safety and security	
a) Ensure that the building design allows for casual surveillance of accessways, entries and driveways.	Y
b) Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks.	Satisfactory
c) Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Y
d) Where private open space is located within the front building alignment any front fencing must be of a design and/or height which allows for passive surveillance of the street.	Satisfactory
e) Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance.	Satisfactory
f) Provide clear lines of sight and well-lit routes throughout the development.	Y
g) Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.	N/A
h) For large scale retail and commercial development with a GFA of over 5,000m², provide a ‘safety by design’ assessment in accordance with the CPTED principles.	N/A
i) Provide security access controls where appropriate.	Y
j) Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone, Mixed Use (city edge) and Enterprise Corridor zones.	N/A

Objectives/controls	*Comment*
3.5 Awnings	
a) Continuous street frontage awnings are to be provided for all new developments as indicated in Figure 3.6. b) Awning design must match building facades and be complementary to those of adjoining buildings. c) Wrap awnings around corners for a minimum six metres from where a building is sited on a street corner. d) Awnings dimensions should generally be: i) Minimum soffit height of 3.3 metres, ii) Low profile, with slim vertical facias or eaves (generally not to exceed 300mm height), iii) Setback a minimum of 1.2 metres from the kerb, and iv) Generally minimum 2.4 metres deep. e) To control sun access/protection, canvas blinds along the street edge may be permitted, subject to design merit and assessment. f) Signage on blinds is not permitted. g) Provide under awning lighting to facilitate night use and to improve public safety.	Awnings not required at this location. Notwithstanding, awnings are desirable in this instance given the commercial nature of the ground floor and proximity to the city centre. Awnings are provided on both frontages which meet the requirements of this control and provide weather protection for pedestrians.
3.6 Vehicular footpath crossings	
• one vehicle access point only	Y
• double lane crossing permitted where circumstances need it	Y
• Doors to vehicle access points are to be roller shutters	Y
• Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Satisfactory
3.7 Pedestrian overpasses, underpasses and encroachments	
N/A	
3.8 Building exteriors	
a) Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of: i) Appropriate alignment and street frontage heights. ii) Setbacks above street frontage heights. iii) Appropriate materials and finishes selection. iv) Façade proportions including horizontal or vertical emphasis. v) The provision of enclosed corners at street intersections.	Satisfactory
b) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.	Y
c) Articulate facades so that they address the street and add visual interest.	Y

Objectives/controls		*Comment*
d)	External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.	Y
e)	Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.	Satisfactory
f)	To assist articulation and visual interest, avoid expanses of any single material.	Satisfactory
g)	Limit opaque or blank walls for ground floor uses to 30% of the street frontage.	Satisfactory
h)	Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.	Satisfactory
i)	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Satisfactory
j)	A materials sample board and schedule is required to be submitted with applications for development over $1 million or for that part of any development built to the street edge.	Provided.
k)	Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as: i) Expressed cornice lines that assist in enhancing the streetscape, ii) Projections such as entry canopies that add visual interest and amenity, and iii) Provided that the projections do not detract from significant views and vistas (see Figure 3.12).	N/A
l)	The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	Y
<u>3.9 Advertising and signage</u>		
None proposed.		
<u>3.10 Views and view corridors</u>		
a)	Existing views shown in Figure 3.12 are to be protected to the extent that is practical in the planning and design of development.	Satisfactory
b)	The redevelopment of sites with potential to open a blocked view shown in Figure 3.12 must take into account the restoration of that view.	
c)	Align buildings to maximise view corridors between buildings.	
d)	Remove or avoid installation of built elements that obstruct significant views.	
e)	Carefully consider tree selection to provide views along streets in Figure 3.12 and keep under storey planting low where possible.	
f)	Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.	

4 Access, parking and servicing

Objectives/controls	*Comment*
4.2 Pedestrian access and mobility	
a) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Y
b) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, AS 2890 Pt 1, or as amended) and the Disability Discrimination Act 1992 (as amended).	Y
c) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Y
d) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	Y
e) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours in accordance with Council's Public Domain Technical Manual.	Y
f) Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1:2001, AS/NZS 2890.1:2004 and the Disability Discrimination Act.	Y
4.3 Vehicular driveways and manoeuvring areas	
a) Driveways should be: i) Provided from lanes and secondary streets rather than the primary street, wherever practical. ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees. iii) Located a minimum of 6 metres from the perpendicular of any intersection of any two roads. iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.	Satisfactory
b) Vehicle access is to be designed to: i) Minimise the impact on the street, site layout and the building façade design; and ii) If located off a primary street frontage, integrated into the building design.	Y
c) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Y
d) Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a s138 Roads Act approval.	Y

Objectives/controls		*Comment*
e)	Driveway widths must comply with the relevant Australian Standards.	Y
f)	Car space dimensions must comply with the relevant Australian Standards.	Y
g)	Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2990.1).	Y
h)	Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths and design must be in accordance with AS 2890.1.	Y
j)	For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.	N/A
4.4 On-site parking		
a)	On-site parking must meet the relevant Australian Standard (AS2890.1 2004 – Parking facilities, or as amended).	Complies
b)	Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.	Provided
c)	Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.	8 additional car parking spaces have been included in GFA calculations.
d)	Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.	N/A
e)	On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.	Y
a)	On-site parking is to be accommodated underground, or otherwise integrated into the design of the building	Y
4.5 Site facilities and services		
Mail boxes		Complies
a)	Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.	
b)	They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.	
c)	Letterboxes shall be secure and large enough to accommodate articles such as newspapers.	

Objectives/controls	*Comment*
Communication structures, air conditioners and service vents a) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures: i) Away from the street frontage, ii) Integrated into the roof scape design and in a position where such facilities will not become a skyline feature at the top of any building, and iii) Adequately setback from the perimeter wall or roof edge of buildings. b) A master antennae must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.	Satisfactory
Waste (garbage) storage and collection General (all development) a) All development is to adequately accommodate waste handling and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste policies and advice from relevant waste handling contractors. b) Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways. c) Waste storage areas are to be designed to: i) Ensure adequate driveway access and manoeuvrability for any required service vehicles, ii) Located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and iii) Screened from the public way and adjacent development that may overlook the area. d) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts.	On site waste management is provided.

Objectives/controls	*Comment*
Location requirements for Waste Storage Areas and Access a) Where waste volumes require a common collection, storage and handling area, this is to be located: i) For residential flat buildings, enclosed within a basement or enclosed carpark, ii) For multi-housing, at ground behind the main building setback and façade, or within a basement or enclosed carpark, iii) For commercial, retail and other development, on-site in basements or at ground within discrete service areas not visible from main street frontages. b) Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided. c) Where a mobile compaction vehicle is required to enter the site, the access and circulation area shall be designed to accommodate a vehicle with the following dimensions:	Satisfactory
Service docks and loading/unloading areas a) Provide adequate space within any new development for the loading and unloading of service/delivery vehicles. b) Preferably locate service access off rear lanes, side streets or rights of way. c) Screen all service doors and loading docks from street frontages and from active overlooking from existing developments. d) Design circulation and access in accordance with AS2890.1.	Satisfactory
Fire service and emergency vehicles a) For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements. b) Generally, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where: i) NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants; or ii) The site has an access driveway longer than 15m.	Satisfactory

Objectives/controls	*Comment*
Utility Services The provision of utility services and access for regular servicing and maintenance must be considered at the concept stage of site development. a) Development must ensure that adequate provision has been made for all essential services including water, sewerage, electricity and telecommunications and stormwater drainage to the satisfaction of all relevant authorities. b) The applicant must liaise with the relevant power authority with regard to the need for a conduit to be installed within the foot way area for the future provision of an underground power supply and extension of the conduit up to the wall of the existing or proposed building. c) The development must ensure that ready connection of the building(s) can be made in future when underground power is installed and the overhead connection is replaced with a connection to the underground line. d) The applicant must liaise with the power authority with regard to the retention, relocation, or removal of any existing power pole.	Satisfactory

5 Environmental management

Objectives/controls	*Comment*
<u>5.2 Energy efficiency and conservation</u> New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). Council encourages all applicants to go beyond minimum BASIX requirements incorporating passive solar design and energy efficiency measures for residential development.	Satisfactory
<u>5.3 Water conservation</u> New dwellings, including a residential component within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). Council encourages all residential development to go beyond the minimum BASIX requirements and enhance the water efficiency for their development.	Satisfactory
<u>5.4 Reflectivity</u> a) New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers. b) Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%. c) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	The building does not have curtain wall glazing and glazed areas are broken up with balconies.

Objectives/controls	*Comment*
5.5 Wind mitigation	
a) To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings: i) 10 metres/second in retail streets, ii) 13 metres/second along major pedestrian streets, parks and public places, and iii) 16 metres/second in all other streets. b) Site design for tall buildings (towers) should: i) Set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, ii) Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, iii) Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and iv) Ensure usability of open terraces and balconies. c) A Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height, d) For buildings over 50m in height, results of a wind tunnel test are to be included in the report.	A wind effects report was submitted with the original scheme. This is considered to remain applicable. The amended form has a smaller height podium and greater articulation of the facades.
5.6 Waste and recycling	
Non-residential development a) Development applications for all non-residential development must be accompanied by a waste management plan that addresses: i) Best practice recycling and reuse of construction and demolition materials, ii) Use of sustainable building materials that can be reused or recycled at the end of their life, iii) Handling methods and location of waste storage areas in accordance with the provisions of Section 4.4.3 of this DCP, such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians, and iv) Procedures for the on-going sustainable management of green and putrescible waste, garbage, glass, containers and paper, including estimated volumes, required bin capacity and on-site storage requirements. The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council.	A separate waste storage area is provided within the basement for the commercial tenancies.

Objectives/controls	*Comment*
Provision must be made for the following waste generation: a) In developments not exceeding six dwellings, individual waste storage facilities may be permitted. b) In development of more than six units or dwellings, or where the topography or distance to the street collection point makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is; i) Not visible from the street, ii) Easily accessible to dwelling occupants, iii) Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to the approved collection point), iv) Has water and drainage facilities for cleaning and maintenance, and v) Does not immediately adjoin private open space, windows or clothes drying areas. c) Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient larger bins	A communal residential waste bin enclosure is provided in an accessible area within the basement. This arrangement has been reviewed by Council Traffic Officer who has provided a satisfactory referral subject to conditions of consent.

6 Residential development standards

Objectives/controls	*Comment*
6.2 Housing choice and mix	
b) To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: i) Studio and one bedroom units must not be less than 10% of the total mix of units within each development, ii) Three or more bedroom units must not be less than 10% of the total mix of units within each development, and iii) For smaller developments (less than six dwellings) achieve a mix appropriate to locality.	The ratio provided is 1 bed (25%), 2 bed (66%) and 3 bed (9%). In respect of the three bedroom units, 6.4 are required and 6 are provided. It is not considered unreasonable to round down to 6 in this instance.
d) For residential apartment buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visitability is achieved.	Required: 64 x 0.1 = 6.4(7) Provided: 7
e) Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	Complies

Objectives/controls	*Comment*
f) The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Pre and post adaptation plans have been provided for each adaptable unit.
g) Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.	Complies
h) For all residential apartment / flat buildings, 10% of all dwellings (or at least 1 dwelling) must be designed to achieve the Silver Standards of the Livable Housing Design Guideline (Livable Housing Australia 2015). All proposed livable dwellings must be clearly identified on the submitted DA plans.	Provided.
i) Ceiling heights of apartments must be selected to encourage the penetration of natural sunlight into all areas of the building. Provide the following minimum floor to ceiling heights, for residential zones, as required by the Residential Flat Design Code: i) 2.7m minimum for all habitable rooms on all floors;	Complies
<u>6.3 Dwelling houses</u> N/A	
<u>6.4 Multi dwelling housing</u> N/A	
<u>6.5 Dual occupancy</u> N/A	
<u>6.6 Basement Carparks</u>	
a) The scale and siting of the basement car park must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements.	Satisfactory
b) 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. Generally variation to this 1.2m height will not be supported however Council recognises that there may be occasions where this standard cannot be achieved. Should such a circumstance arise, the additional portion of the basement podium above 1.2m height must be included in the total gross floor area calculation for the development.	The podium is approximately 1.5m above natural ground level. This is required to achieve the necessary flood levels. The higher podium is considered acceptable in the circumstances. The podium is set back from the street and side boundaries and screened with landscaping. The LEP excludes parking required by Council from FSR calculations.

Objectives/controls	*Comment*
c) In addition, the following must be satisfied: i) Landscaped terraces are provided in front of the basement podium to reduce the overall visual impact; ii) The height of the basement does not result in the building having a bulk and scale which dominates the streetscape; and iii) The main pedestrian entry to the building is identifiable and readily accessible from the street frontage.	Complies
d) The following setbacks from front, side and rear boundaries apply to basement podiums: i) Where the height of the basement podium (measured to the top of any solid wall located on the podium) is less than 1.2m above natural or finished ground level (whichever distance is greater), the basement podium may extend to the property boundary. A minimum 1.5m wide landscaped planter must be provided on the perimeter of any section of the basement podium which is located on a side or rear property boundary. Such planter must prevent direct access to the outer edge of the podium, to minimise direct overlooking of adjacent dwellings and open space areas. ii) Any portion of the basement which exceeds 1.2m above natural or finished ground level (whichever distance is greater) must be setback from the property boundaries by a ratio 1:1 (height: setback). A minimum setback of 1.5m applies in this instance, with this area to be landscaped. For the purpose of determining the height of the basement, any solid walls located on the podium shall be included in the overall height calculation.	Complies
e) Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms and private open space areas. Ventilation grills must be integrated into the design of the façade of the building to minimise their visual impact.	Satisfactory
f) The visual impact of all basement walls must be minimised through the use of various design techniques including well proportioned ground level articulation and relief, mixed finishes and materials, terracing and/or dense landscaping.	Satisfactory
g) Basements must be protected from inundation from 100-year ARI flood levels (or greater).	Complies
<u>6.7 Communal open space</u>	
a) Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 5m² per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5m.	Complies
b) The communal open space must be easily accessible and within a reasonable distance from apartments, be integrated with site landscaping, allow for casual social interaction and be capable of accommodating recreational activities	Satisfactory
c) Where a minimum of 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as communal	Satisfactory

Objectives/controls		*Comment*
	open space may occur. The combined communal open space/deep soil area may be grassed but must not contain significant shade trees. A maximum of 1/3 of the required communal open space area may be combined with the deep soil zone.	
d)	Areas of the communal open space which are to be paved or which will contain shade structures, swimming pools or the like cannot be located within the deep soil zone.	Satisfactory
e)	The communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.	Complies
<u>6.8 Private open space</u>		
i)	The courtyard/terrace for the ground level dwellings must have a minimum area of 25m² and a width of 2 metres. This area must be separated from boundaries by at least 1.5m with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas.	Complies
ii)	Private open space areas (courtyards) must not extend forward to the front building setback by greater than 900mm.	Complies
iii)	Private open space should be sited in a location which provides privacy, solar access, and pleasing outlook and has a limited impact on neighbours.	Complies
iv)	Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.	Satisfactory.
v)	Clearly define private open space through use of planting, fencing or landscaping features.	Satisfactory
vi)	Screen private open space where appropriate to ensure privacy.	Satisfactory
viii)	Provide balconies with operable screens or similar in locations where noise or high winds prohibit reasonable outdoor use (i.e. next to rail corridors, busy roads and tall towers)	Satisfactory
Where private open space is provided in the form of a balcony, the following requirements must also be met:		
i)	Avoid locating the primary balconies where they address side setbacks.	Complies
ii)	Balconies must have a minimum area of 12m² open space a minimum depth of 2.4 metres.	Complies with minimum requirements under the ADG.
iii)	At least 70% of the POS areas shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.	Complies
iv)	Balconies must be designed and positioned to ensure sufficient light can penetrate into the building at lower levels.	Complies
v)	Individual balcony enclosures are not supported. Balcony enclosures must form part of an overall building façade design treatment and should not compromise the functionality of a balcony as a private open space area.	N/A

Objectives/controls		*Comment*
6.9 Overshadowing		
a)	The design of the development must have regard to the existing and proposed level of sunlight which is received by living areas and private open space areas of adjacent dwellings. Sensitive design must aim to retain the maximum amount of sunlight for adjacent residents. Council will place greatest emphasis on the retention of sunlight within the lower density residential areas	Satisfactory
b)	Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.	The proposal is not considered to preclude adjoining future development from being able to achieve the minimum solar access requirements.
c)	In determining access to sunlight, overshadowing by fences, roof overhangs and changes in level must be taken into consideration. Overshadowing by vegetation should also be considered, where dense vegetation appears as a solid fence. Refer to Land and Environment Court Planning Principles – Parsonage vs Ku-Rin-Gai Council (2004).	Satisfactory
d)	In areas undergoing change, the impact of overshadowing on development likely to be built on adjoining sites must be considered, in addition to the impacts on existing development.	The setbacks and bulk of the building are considered to provide suitable access to sun for future development on adjoining land.
6.10 Solar access		
a)	Residential apartment buildings must aim to maximise their level of northern exposure to optimise the number of dwellings having a northern aspect. Where a northern aspect is available, the living spaces and balconies of such apartments must typically be orientated towards the north.	Satisfactory
b)	The development must maximise the number of apartments with a dual orientation. Single aspect, single storey apartments should preferably have a northerly or easterly aspect and a reduced depth to allow for access of natural light to all habitable spaces.	The defensive approach to both the northern and southern elevations does not take advantage of corner units, effectively making them single aspect. Notwithstanding, the design approach does not significantly compromise the amenity of the units and minimum targets are achieved.
c)	Shading devices should be utilised where necessary, particularly where windows of habitable rooms are located on the western elevation.	Hoods and balconies provide relief for glazed areas from eastern and western sun.
d)	The living rooms and private open space of at least 70% of apartments should receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm.	Complies with ADG requirements.
e)	The number of single aspect apartments with a southerly aspect (south-westerly to south-easterly) is limited to a maximum of 10% of the total number of apartments proposed.	N/A

Objectives/controls	*Comment*
f) Provide vertical shading to eastern and western windows. Shading can take the form of eaves, awnings, colonnades, balconies, pergolas, external louvres and planting.	Hoods and balconies provide relief for glazed areas from eastern and western sun.
6.11 Natural ventilation	
a) Provide residential apartment buildings with a building depth of between 10 and 18m. The depth is measured across the shortest dimension of the building. Dwellings should be a maximum depth of 21m measured from the outside of the balcony.	Complies
b) A minimum of sixty percent (60%) of all residential apartments shall be naturally cross ventilated.	See ADG requirements
c) Twenty five percent (25%) of kitchens within a development must have access to natural ventilation. Where kitchens do not have direct access to a window, the back of the kitchen must be no more than 8m from a window.	Complies
d) Single aspect apartments must be limited in depth to 8m from a window.	Complies
6.12 Visual privacy	
1) New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements.	Suitable setbacks and/or privacy screening are provided.
2) The internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms and private balcony / open space courtyards, wherever possible by separating communal open space and public domain areas from windows of rooms, particularly sleeping room and living room areas.	Balconies directly adjacent bedrooms
3) Buildings are to be designed to increase privacy without compromising access to sunlight and natural ventilation through the following measures: (a) Off-setting of windows in new buildings from windows in existing adjoining building(s). (b) Recessed balconies and / or vertical fin elements between adjoining balconies to improve visual privacy. (c) Provision of solid, semi-solid or dark tinted glazed balustrading to balconies. (d) Provision of louvers or screen panels to windows and / or balconies. (e) Provision of perimeter landscaped screen / deep soil planting. (f) Incorporating planter boxes onto apartment balconies to improve visual separation between apartments within the development and adjoining buildings. (g) Provision of pergolas or shading devices to limit overlooking of lower apartments or private open space courtyards / balconies.	Complies

Objectives/controls	*Comment*
6.13 Acoustic Privacy	
1) Residential apartments should be arranged in a mixed use building, to minimise noise transition between apartments by: (a) Locating busy, noisy areas next to each other and quieter areas, next to other quieter areas (eg living rooms with living rooms and bedrooms with bedrooms); (b) Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; and (c) Minimising the amount of party (shared) walls with other apartments.	Complies
2) All residential apartments within a mixed use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).	To be conditioned
3) Noise transmission from common corridors or outside the building is to be minimised by providing seals at entry doors.	Satisfactory

Objectives/controls	*Comment*
4) In order to assist acoustic control of impact noise between units: (a) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates; (i) Habitable rooms of sole occupancy units (ii) A sole occupancy unit from a plant room, stairway, public corridor, hallway or the like. (b) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, shall have an FSTC of not less than 55. (c) Walls between sole occupancy units shall comply with the impact sound resistance standards specified in the BCA. 5) All residential buildings and serviced apartments are to be constructed so that the repeatable maximum L Aeq (1 hour) level not does exceed the following levels: (a) In a naturally ventilated - windows closed condition: (i) Sleeping areas (night time only: Hours - 2200-0700) - 35dB (ii) Living areas (24 hours) - 45dB (b) In a naturally ventilated - windows open condition, (ie, windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area): (i) Sleeping areas (night time only: Hours - 2200-0700) - 45dB (ii) Living areas (24 hours) - 55dB (c) Where a naturally ventilated - windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning. (d) The following repeatable maximum L Aeq (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating: (i) Sleeping areas (night time only: Hours - 2200-0700) - 38dB (ii) Living areas (24 hours) - 46dB Note: These levels correspond to the combined measured level of external sources and the ventilation system operating normally.	These requirements are covered in general construction requirements under the BCA.
<u>6.14 Storage</u> Provide a secure space to be set aside exclusively for storage as part of the basement in accordance with the following: • One bedroom apartments 3m² / 3m³ • Two bedroom apartments 4m² / 8m³ • Three or more bedroom apartments 5m² / 10m³	Individual storage areas are provided within the car park areas.

7 Planning controls for special areas

The site is not located within a special area.

8 Works in the public domain

The proposal involves an upgrade to the footpath and new street trees in accordance with Council's Public Domain Technical Manual.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The development would be required to comply with the relevant provisions of the BCA and access to premises standards.

It is noted that the requisite number of accessible units are provided as well as the corresponding accessible parking spaces. Commercial and residential entries are level without obstruction and there is level access within the development. The communal open space incorporates a lift to the pool area.

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

Traffic impact assessment and public transport studies

A satisfactory traffic impact assessment was prepared for a prior larger development on the site and a further one not required for the proposal.

Parking demand and servicing requirements

64 residential units are proposed and seven commercial tenancies. Car parking required for this composition is detailed in the table below.

	Rate	*Calculation*	*Required*	*Proposed*
Car parking				
Resident *(RMS rate)*:	0.6 per 1 bed	16 x 0.6	9.6	
	0.9 per 2 bed	42 x 0.9	37.8	
	1.4 per 3 bed	6 x 1.4	8.4	
			55.8 (56)	64
Visitor:	0.2. per unit	0.2 x 64	12.8 (13)	13
Commercial	1/60m²	775/60	12.9 (13)	13
TOTAL			82	90*
Bicycle parking				
Resident:	1 / 3 dwellings			
Visitors:	1 / 12 dwellings			
TOTAL				
Motorbike	1 / 15 dwellings			

*The excess car parking is included in gross floor area calculations as detailed at clause 4.4A of WLEP 2009.

Vehicular access

Driveway grades and sight distances comply.

Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2.

Waste servicing will occur onsite and suitable manouevring areas, clearance heights and loading/unloading zone are provided.

Pedestrian access

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

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

The proposal is satisfactory with regard to the principles of CPTED in respect of the car park.

CHAPTER E6: LANDSCAPING

A landscape concept plan has been provided which was prepared by a Registered Landscape Architect or eligible for registration with the Australian Institute of Landscape Architects in accordance with this chapter.

The proposed landscaping has been reviewed by Council's Landscape Officer and found to be satisfactory subject to conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided.

A communal waste storage room is provided in the basement.

There are 64 units within the development

EPA Better Practice Guide for Waste Management in Multi-Unit Dwellings

A Chute system for garbage is provided that leads to a central garbage room at the bottom of the building. The chute can empties into a MGB carousel.

Waste generation rates for units

- 80L/unit/week garbage
- 40L/unit/week recycling

This equates to 64 x 5,120L/week garbage and 2,560L/week recycling.

The bin storage area accommodates 43 x 240L bins = 10,320L.

CHAPTER E9 HOARDINGS AND CRANES

Conditions of consent are recommended in regard to use of any hoarding or crane.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended.

CHAPTER E14 STORMWATER MANAGEMENT

Council's stormwater officer has reviewed the proposal in respect of the applicable controls in this chapter and has recommended conditions of consent.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

A WSUD Treatment Measures Report has been provided which outlines the specifications and requirements for the storm water treatment device to be incorporated into the development.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The excavation proposed by the development is satisfactory with regard to this chapter.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions of consent are recommended in regard to demolition.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

Unit 5, 174 – 182 Gipps Road
P O Box 7163
Gwynneville 2500

T 02 4228 7833
F 02 4228 7844
reception@tcgplanning.com.au

Wollongong City Council
41 Burelli Street
Wollongong NSW 2500
nlamb@wollongong.nsw.gov.au
records@wollongong.nsw.gov.au

8 November 2018

Attention: Nigel Lamb

Dear Nigel,

Response to Additional Information Request for DA-2018/973

Proposed Mixed Use Development at 28-32 Young Street and 29-31 Belmore Street, Wollongong

This correspondence is prepared on behalf of the applicant, ADM Architects, and responds to Council's correspondence of 23 October 2018 which requests the submission of additional information in respect of DA2018/973 for the construction of a 15 storey mixed use development at 28-32 Young Street and 29-31 Belmore Street, Wollongong. This correspondence also addresses a request for additional information pertaining to potential site contamination.

This correspondence is accompanied by the following revised plans and additional documentation:

- Revised Plans prepared by ADM Architects, Issue B;
- SEPP 65 Compliance Table prepared by ADM Architects Issue A, dated 5.11.18;
- Landscape Plan prepared by Ochre Landscape Architects (Ref: 1863-LD01, LD02A & LD-03A) dated 2.11.18;
- Correspondence regarding site geotechnical investigations prepared by STS GeoEnvironmnetal (Report No. 18/3287B) dated 30.10.18;
- Correspondence titled 'Cost and Time Implications of Basement Excavation' prepared by Newton Fisher Group dated 7.11.18;
- Further Update to Preliminary Site Investigation prepared by Fyfe dated 29.10.18;
- Contamination 'Council RFI Review' prepared by IEnvironmental (Revision No. 1.1) dated 2.11.18;
- Wind Assessment Report prepared by ANA Civil P/L (Ref: 2018-303) dated 1.11.18.

Table 1 below provides a summary of the key plan changes, in response to Council's issues:

Table1: Summary of Plan Changes

Plan	Changes
A-000 Titlesheet	▪ 3d updated to reflect the changes mentioned below ▪ Updated drawing schedule with new drawings as per below (i.e Level 13 plan has been separated and is its own individual plan pushing the plans below in that number series down one).
A-001 Site/development summary	▪ Total number of units have changed from 66 to 63. ▪ Parking numbers have been amended in accordance with new mix and yield. Calculations indicate the proposal requires 82 spaces but 91 are provided 91 (therefore 9 cars together with the access aisles have been included in the GFA calculations). ▪ Visitor parking has been reduced to 13 spaces in line with yield reduction. ▪ Total proposed GFA has remained at the maximum permissible GFA of 6503m^2.

Plan	Changes
	▪ 10 adaptable spaces in line with 10 adaptable units (noting the minimum or 10% would be 7 units). ▪ Require 1 commercial adaptable space – 2 are provided. ▪ Waste bin calculation has changed due to the unit numbers reducing, with 43 residential bins now required/provided.
A-003-012 Contextual Image	▪ Amendments reflect plan changes. ▪ Amended to reflect the concept plans of the adjoining building.
A-102 Lower Ground Floor Plan:	▪ 1 visitor space has been removed in line with yield reduction and parking arrangement to the South side has been reconfigured. ▪ Security provisions have been annotated to be applied to the residential storage area such as the security gate, swipe card access, lighting to AS1158.1 and surveillance cameras.
A-103 Upper Ground Floor Plan:	▪ Parking arrangement to the South side has been reconfigured.
A-104 Level 1 Floor Plan:	▪ Parking arrangement to the South side has been reconfigured.
A-105 Level 2 Floor Plan	▪ Parking spaces have been reduced from 21 to 18 spaces, 2 disabled spaces have been added and 1 space has been removed. ▪ Parking arrangement to the South side has been reconfigured.
A-106 Level 3 Floor Plan:	▪ 1 parking space has been removed. Now providing 16 spaces. ▪ Parking arrangement to the South has been reconfigured.
A-107 Level 4 Floor Plan:	▪ Parking spaces have been reduced from 21 to 19 spaces, 1 disabled space has been added and 1 space has been removed. ▪ Parking arrangement to the South has been reconfigured.
A-109 Level 6 Floor Plan:	▪ U604 is now an accessible unit (as per DRP notes). ▪ Operable note has been added to the side windows of units 602 & 604.
A-110 Level 7,9 & 11	▪ Operable note has been added to the side windows of units 02 & 04.
A-111 Level 8, 10 & 12	▪ 04 unit is now accessible (as pre DRP notes) ▪ Operable note has been added to the side windows of units 02 & 04.
A-112 Level 13 Floor Plan	▪ The provision of 5 units (typical) have been removed to be replaced with the penthouse plan. ▪ Southern unit design amended (but maintained adaptable) in relocating living areas so to increase north aspect ratio of units above 70% (required after losing 3 units achieving the requirement).
A-113 Level 14 Floor Plan	▪ U1401 as noted above has been amended to achieve sunlight access (required after losing 3 units previously achieving the requirement).
A-114 Roof Plan	▪ Roof plan RL has been lowered from 66.750 to 65.750 (as a consequence of proportion changes).
A-115 Screening Details	▪ Louvre larger scale detail has been added to this sheet as requested by DRP. ▪ Annotation added stating that the louvres are operable via manual winder.
A-201-206 Elevations & Sections	▪ Level 13 & 14 amendments have been reflected on the elevations. ▪ Additional trees to the Young St elevation as per updated landscape plan.
A-302 Accessible plan:	▪ The pre-adaptation plan has been deleted. Now an accessible unit only as recommended by the DRP (i.e universally accessible upfront – not after adaptation.
A-303-304 Pre & Post Adaptation Plan 2 of 3	▪ Different unit type added as per amended 3 bed design
A-305-306 Pre & Post Adaptation Plan 3 of 3	▪ Additional sheets have been added to the set to reflect plan changes as above.
A-403-406 solar access study	▪ Amendments to reflect plan changes

1. Parking and Additional GFA

The proposal has surplus car parking spaces. The submitted documentation notes an excess of 12 spaces. This derives from calculations being rounded up for each of the 1, 2 and 3 bedroom totals. Only the cumulative total of resident parking should be rounded. This results in an excess of 13 spaces. The definition of GFA in the LEP excludes "car parking to meet any requirements of the consent authority (including access to that car parking)". By extension, if surplus car parking is proposed, access to that parking will be included as additional GFA. This is particularly relevant in this instance as all the car parking is located above ground (thereby adding to the bulk of the building). Further, the amount of excess parking would equate to a significant proportion of a parking level and would thereby include vehicular access that would otherwise not be there if the development was compliant with the car parking rate. If the surplus car parking and access is included in GFA calculations, the additional GFA would be approximately 337m² (2.4 x 5.4 (standard space dimension) x 13 (total surplus) x 2 (additional access to those spaces)). The proposed FSR therefore then exceeds the maximum permitted under the LEP.

Response:

The total number of units has now been reduced from 66 to 63, following a change in the unit mix at Level 13. Previously this level contained 5 units (2 x 1 bedroom and 3 x 2 bedroom) but now contains only 2 x 3 bedroom units. The revised parking calculations for the development are summarised in Table 2:

Table 2: Revised Parking Calculations

Car Parking Requirement		**Rate**	**Required**	**Provided**
Residential (RMS Guide)				
Residential Parking	14 x 1 bed units	0.6 spaces per unit	8.4	14
	43 x 2 bed units	0.9 spaces per unit	38.7	43
	6 x 3 bed units	1.4 spaces per unit	8.4	8
Total Residential			**56 Spaces**	**65 (Surplus 9)**
Visitors Parking	63 units	0.2 per unit	13	13
Commercial	775m^2	1 space per 60m^2	13	13
Total			**69 spaces**	**78 spaces**

Hence, when rounding only the cumulative resident total, as requested by Council, the development has a surplus of nine (9) resident visitor spaces. The development summary provided on Drawing A-001 (Issue B) confirms that the excess parking and the adjacent aisle has a GFA of 234m^2, which has been incorporated in the total GFA of 6503m^2. This remains compliant with the permitted FSR of 3.56:1, as demonstrated in Table 3 below:

Table 3: Floor Space Ratio Calculations

Site Area	**1825 m^2**		
	Commercial	**Residential**	**Total**
Proposed GFA	775 m^2	5728 m^2 *(including 9 excess parking spaces and aisle)*	6503 m^2
PERCENTAGE	12%	88%	100%
Clause 4.4A Permissible MAX FSR	**5.635: 1**	**3.281:1**	**3.56:1**
TOTAL GFA	**6503 m^2**		
TOTAL FSR	**3.56:1**		

2. Unit Mix

10% of the units are required to be three or more bedrooms. The proposal only provides 6%. The variation request is not considered to be well founded and is not supported.

Response

The reconfiguration of units at Level 13 has accommodated in the inclusion of an additional 2 x 3 bedroom units, thereby increasing the number of three bedroom units to six (6). The revised breakdown of units is as follows:

Table 4: Summary of Units

No. of Bedrooms	**Number of Units**	**Percentage**
1 bedroom	14	22.22%
2 bedroom	43	68.25%
3 bedroom	6	9.52%
Total	**63**	**100%**

The total number of three bedroom units now equates to 9.52% of units, increased from the 4 units (ie.6%) which were previously proposed. This figure is only marginally below the 10% specified within Section 6.2 of Chapter D13(Wollongong City Centre) of DCP 2009. The objective of this control is to:

"Ensure that residential development provides a mix of dwelling types and size to cater for a range of household types:"

This objective will clearly be met as, despite the exceptionally minor 0.48% variation, the development will continue to provide diversity in units, with a good mix of bedroom numbers and unit types (apartments and 'townhouse' style two level units). Further, the unit mix will accommodate future occupants, who are anticipated to comprise single, couples and smaller families. This is demonstrated by demographics for the Wollongong Statistical Area (ABS 2006 Census) which confirm that in this location there is an average of 1.6 children per family, reduced from the typical 1.8 - 1.9 children per family in surrounding statistical areas such as Figtree/Keiraville and Fairy Meadow/Balgownie.

On this basis, the provision of 6 x 3 bedroom units (being 9.52% of units) is considered to be appropriate and support for this exceptionally minor variation is therefore sought.

3. Podium Bulk and Scale

There remain concerns in respect of the podium height in regard to compatibility with potential future development on adjoining land and impacts on the streetscape.

The podium bulk arises in part due to the decision to locate all the car parking above ground.

The justification for locating all the parking above ground was that excavating for basement parking would prove cost prohibitive. The geotechnical report provides no analysis of this to justify this argument.

Insufficient analysis of the relationship of the proposed podium to potential future built form on adjoining land has been provided to justify the bulk of the podium.

Response:

Justification – Geotechnical Constraints:

The accompanying correspondence prepared by STS GeoEnvironmental provides more detailed information regarding the site difficulties posed by the subsurface materials on the site, which comprise high strength bedrock. In summary, this report confirms that the existing underground site material is not be expected to be rippable and would be extremely hard to remove with hydraulic rock hammers. Further, "*given the location of the site and its proximity to adjoining structures, the use of blasting materials is not considered appropriate*". The correspondence confirms that conventional excavation methods will be feasible, however progress rates will be very low.

The accompanying correspondence prepared by Newton Fisher has considered the cost and time implications of basement excavation within this high strength bedrock and has confirmed the following:

- The original cost report for the development application, which confirmed a development cost of $19,770,000 did not include any rock excavation elements (as no basement is proposed).
- The additional cost of non- rippable rock excavation is estimated at $3,808,000 excluding GST, i.e. total excavated volume 10,880m^3@ $350/m3 including preliminaries and margin.
- In addition, there will be a cost implication due to a prolonged construction period, of an anticipated at $750,000 minimum excluding GST including but not limited to interests, holding cost, finance charges, management and overheads, etc.
- The significant cost increase equates to approximately 23% of total development cost, while the construction period will be extended by 50%.

Newton Fisher therefore conclude that "*the project appears non-viable if the basement carpark option is proceeded, considering a significant increase on both direct and indirect construction costs plus construction*

programme." On this basis we request that Council support the provision of above ground parking on this geotechnically constrained site.

Built Form Analysis:

As noted in the submitted Statement of Environmental Effects the height, footprint and bulk of the podium is consistent with that of the podium approved by DA2016/1061, which remains current. A comparison of the approved and proposed podium is provided in in the accompanying Contextual Streetscape and Aerial Perspectives prepared by ADM Architects, with the outline of the approved podium marked in red.

Further, we draw Council's attention to the fact that the lower levels of the building are sited on the boundary below street frontage height, in compliance with the requirements of Chapter D13 (Wollongong City Centre) of WDCP 2009. Specifically, such setbacks are compliant with the requirements of Clause 2.5 of Chapter D13 which specifies a requirement for zero side setbacks up to the street frontage height of 24m.

Since the date of approval of DA2016/1061 we understand that the only potential change to the streetscape is the proposed redevelopment of the adjacent sites to the north, noting that this development is at the early stages of planning, with no formal development application submitted. The accompanying Contextual Streetscape drawings prepared by ADM Architects have therefore been amended to reflect the 'Concept' plans of this proposed adjoining building. This analysis shows that the reduced podium height on the adjacent site to the north is partly a result of the slope of the land, which falls in a northern direction towards the adjacent site. Hence, it would be reasonable for any development on this adjacent site to the north to have a somewhat lesser podium level due to this grade. Whilst it is apparent that there is a variation in podium heights it is noted that the podium height on No. 28-32 Young Street allows for the incorporation of 'townhouse style apartments' addressing both Young and Belmore Street. Such apartments provide for a strong street presentation and allow for a high level of surveillance of adjacent streets.

Further, Council's attention is drawn to the fact that the approved podium provides a strong 'bookend' at the western termination of Market Street and the revised design, which retains the approved footprint will continue to provide this desired outcome. It is noted that the Design Review Panel, when considering the application at its meeting of 9 October 2018 supported the form of the building and noted that:

- *"The building is located between Young and Belmore Streets and is centred, axially on Market Street giving it significant presence at an urban scale and elevating its importance within a wider context for Wollongong."*
- *"The proposal now presents as a scale and density consistent with the desired future character of this precinct."*
- *"The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression. A competent and appropriate building aesthetic has been developed."*

Should Council have particular concerns regarding the relationship between the adjacent podiums, it is respectfully requested that modification occur to the design of the adjacent building to the north, which is in the early stages of planning and which has not been the subject of in excess of 2 years of detailed design works since the original development application was submitted and approved in 2016.

4. Building Separation

The proposal does not meet the requirements of clause 8.6(3) in respect of separation of residential components of the building from adjoining development. It is noted that a variation request has been sought in accordance with clause 4.6 of the LEP in this regard. However, the justification provided is not considered to be well founded.

The objective of clause 8.6 is to "ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access". As noted above, insufficient context analysis has been provided to demonstrate this built form will not prejudice future development on adjoining land.

It is noted that the streetscape analysis provided on page 73 and 104 of the Statement of Environmental Effects illustrates a potential built form on adjoining land that does not reflect the controls.

Response:

The accompanying Contextual Streetscape Drawings prepared by ADM Architects have now been amended to reflect the concept plans of the adjoining building. A revised Clause 4.6 Exceptions to Development Standards Report, which considers a compliant built form on the adjoining land to the north, is contained in Appendix 1.

5. Building Separation and Setbacks

The proposal does not comply with building separation and setback requirements. It is noted that a written variation request has been provided however the justification contained therein is not considered to sufficiently justify the requested variations.

Response:

With respect to building setbacks/separation the following provides a summary of the level of compliance:

- Commercial Levels LG to UG: Compliant with the required zero setbacks specified in Chapter D13 (Wollongong City Centre) of WDCP 2009;
- Residential Levels 1-4: Compliant with the zero setback up to street frontage height specified in Chapter D13 (Wollongong City Centre) of WDCP 2009;
- Level 5: Wall setbacks are compliant with the 4.5m non-habitable setbacks criteria of the ADG (being below 25m). The only windows facing side boundaries at this level are those in the northern and southern elevations of U502 and U503, with screens now sited on the balconies adjacent to such windows to prevent overlooking (refer Drawing A-108).

  Whilst the balconies of Units 501 502, 503 and 504 are not compliant with the 9m setback for balconies it is noted that such balconies are sited on the roofpsace of the level below, which is required to provide a zero side setback, as it is below the street frontage height. Perimeter landscaping is provided to terraces and the communal open space area to create non trafficable areas and minimise overlooking from such spaces.
- Levels 6-14: The walls comply with the 6m non-habitable setback standard, with setbacks further increasing at Levels 13 and 14. The balconies are also principally compliant, with the only variation being to the balcony splays, which have reduced setbacks generally of 5.82m (for Levels 6-12) and 4.66m (at Level 13) to the northern boundary and 5.69m to the southern boundary. Louvres are provided on the balconies, which allow for application of a 6m setback to non-habitable spaces. It is noted that the balcony splays only marginally reduce the level of compliance with the required 6m non-habitable setback. All balcony splays, with the exception of the Unit 13 balcony are setback from the boundary by in excess of 5.69m, which is only 301mm less than the required 6m. It is noted that this variation occurs at only the point of each balcony, in a position which does not form part the principle useable area of the balcony.

- The Design Review Panel (DRP) supported such balcony design and placement, subject to detailed design of louvres, noting the following:

"*On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved. To ensure that this design intent is realised and compliance with the requirements of the ADG met, the applicant is required to provide dimension and angles of blades and openings, to be submitted.*"

6. Tower Bulk

The building is considered to be of significant bulk. Careful consideration is considered necessary in this instance given the building provides a bookend to Market Street. It is noted that the removal of the splays on the balconies would narrow building by 1.4-1.6m.

Response:

Whilst Council notes that the balcony splays increase the width of the buildings by 1.4m -1.6m it is noted that the balcony splays only marginally reduce the level of compliance with the required 6m non-habitable setback. It is further noted that the balcony splays add visual interest to the architectural design of the building and prevent the tower from having the appearance of a regular shaped 'box', which would be inappropriate at the western terminus of Market Street. Further, the form of the tower was supported by the DRP at its meeting of 9 October 2018, which is evident in the following commentary from the panel:

"*The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression.*"

"*A competent and appropriate building aesthetic has been developed.*"

7. Wind Impacts

The Wind Effects Report submitted with the application is for the previous scheme approved on the site. A report that has been undertaken on the current plans will be required.

Response

The accompanying Wind Assessment Report prepared by ANA Civil P/L concludes the following:

"*NA Civil P/L has investigated and calculated the annual gust speed at critical sections of the proposed development at No. 28-32 Young St, Wollongong in accordance with AS 1170.2 (Wind Actions). As per Section 3.3 of this report the maximum annual gust wind speeds in walk ways, open spaces, public & private courtyards complies with AS 1170.2 (Wind Actions) and Wollongong City Council's DCP 2009 Chapter D13 Section 5.5.*

We have also reviewed the wind tunnelling assessment conducted by Windtech Consultants Pty Ltd in July 2016 using the superseded architectural plans and compared the relevant recommendations with the latest architectural plans by ADM Architects-Issue A dated August 2018, and can confirm compliance with this."

8. Apartment Size and Layout

Bathrooms and bedrooms are accessed directly off kitchen / living / dining areas contrary to objective 4D3 of SEPP 65.

Response

Whilst a number of apartments contain bedrooms accessed directly off a living/kitchen area, this arrangement provides of the most functional use of apartment space. It is acknowledged that the Apartment Design Guide encourages access to bedrooms, bathrooms and laundries to be separated from living area,

however it is noted that this is provided as design guidance only, with the recommendation that direct access to bedrooms from living spaces be 'minimised'. It is noted that many of the proposed apartments contain short corridors, which permit separation of access to bedrooms. Where this is not provided, Council's attention is drawn to the fact that the design of all apartments has been the subject of a detailed and extended design process, which has resulted in functional and desirable apartments layouts, where overall resident comfort and amenity will not be compromised by direct access to bedrooms from living spaces.

Further, it is noted that the DRP at its meeting of 9 October confirmed that "*Apartments are generally designed in a functional manner to provide a reasonable level of amenity to future occupants.*"

9. Safety and Security

The communal storage area is not considered to be ideal as there is poor surveillance of the space and it results in entrapment opportunities.

Response:

Drawing A-102 (issues B) prepared by ADM Architects now contains details of security provisions which have been applied to the residential storage area such as the security gate, swipe card access, lighting to AS1158.1 and surveillance cameras. Such measures will provide an appropriate level of surveillance of this area and acceptable security levels.

10. Landscaping

The driveway crossing does not quite match the CCPDTM requirements; please modify the plan to match the layout indicated in Section 3.2.

It is noted that the water main is located behind the kerb and gutter on Young Street, the construction of the link channels above the water main can include horizontal root barrier to protect the main. The species are to be Syzygium paniculatum. Please include two more trees, one midway, one at closer to the southern boundary.

The roof terrace with the swimming pool appears not to have a structure that will act as a southerly wind break, nor are there any shade structures in the outdoor area. Please allow for a cabana, or outdoor shelter/room in this space.

Response:

The accompanying Landscape Plan prepared by Ochre now incorporates:

- Level 2: Changes to the Level 2 communal open space to address the issues raised by the design review Panel;
- Lower GL: Amended driveway finish (layback) and street tree species nomination;
- Upper GL: additional street trees and street tree species nomination being two additional street trees (*Syzigium paniculatum*) to the Young Street frontage.
- Level 6 Plan: An extended roof covering over the pool deck space and a shade structure which extends over the space area at Level 5.

11. Natural Ventilation

Please confirm whether the northern and southern windows on corner units are operable. This would seem be necessary in order for those units to be nominated as cross ventilated.

Response

The amended architectural plans now confirm that the louvres on the northern and southern windows of the corner units will be operable.

12. Contamination

A review of all documentation with regards to SEPP 55 has been undertaken and it remains unclear how previous soil sampling and analysis recommended in the Preliminary Site Investigation (PSI) dated 13 April 2016 is no longer required in subsequent update letters prepared by Fyfe Consultants dated 24 July 2018 and 28 August 2018. As such, clarification of the need for further soil sampling and analysis, as outlined in the recommendations of the PSI dated 13 April 2016, and the need for any subsequent Detailed Site Investigation (DSI) is to be submitted to Council for assessment.

Response

The accompanying correspondence from Fyfe confirms that a detailed Site Investigation is not required for the following reasons:

"Fyfe had examined and considered in the 2016 PSI that the risk factors that would trigger the need for a DSI were not present (due to the absence of contaminating activities or facilities on the site, the absence of any apparent fill material and the absence of any potentially contaminating activities having occurred on neighbouring properties). Fyfe confirms in this letter of October 2018 that a DSI is not required at the site. This recommendation is consistent with SEPP 55 and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended), where a DSI or management may be required if the PSI identifies data gaps.

The sampling and analysis recommended in the 2016 PSI would be for the purpose of soil classification for off-site disposal, and this is not an outcome of a DSI, hence a DSI would be inappropriate at the site.

Furthermore, the recommendation to sample after the removal of the existing site structures is consistent with professional assessment practices and accommodates the known need for an asbestos removal program. Sampling prior to asbestos removal works would be superfluous.

Fyfe clarified in our letter of 28 August 2018 that the sampling and analysis recommendations should be incorporated into the Construction Environment Management Plan to be established for the demolition and construction works."

It must also be clarified in the response that all reports relied upon with regards to SEPP 55 have been prepared by a suitably qualified and experienced consultant who is certified under the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environment It must also be clarified in the response that all reports relied upon with regards to SEPP 55 have been prepared by a suitably qualified and experienced consultant who is certified under the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)) or the Soil Science Australia (SSA) al Practitioner (Site Contamination) scheme (CEnvP (SC)) or the Soil Science Australia (SSA).

Response:

Fyfe has provided all reports which have been relied upon to Michael Nicholls of iEnvironmental, who is certified under the CEnvP (SC) scheme. The accompanying peer review confirms the following:

"A DSI and/or a remediation action plan would only be triggered if significant ground contamination is encountered during insitu waste classification sampling. There is no requirement to undertake a DSI or remediation / RAP based on the environmental and geotechnical information reviewed. The insitu waste classification should be undertaken prior to construction. An asbestos management plan should be part of the construction processes for safe management of asbestos materials."

We trust that the above information addresses the relevant items raised by Council and look forward to Council progressing the application.

We also request that Council not re-advertise the application noting that the changes which are proposed will have no impact on adjoining property owners.

Please do not hesitate to contact the applicant in the first instance, or the undersigned if further clarification is sought.

Yours Faithfully,

_____

Elaine Treglown
Director
TCG Planning

Attachment 1: Clause 4.6 – Exceptions to Development Standards Report (Building Separation)

Appendix 1

Revised Clause 4.6 'Exception to Development Standards' Statement:

Clause 8.6 Building Separation

8 November 2018

1.0 Clause 4.6 of WLEP 2009

Clause 4.6 'Exceptions to Development Standards' of Wollongong Local Environmental Plan 2009 provides the opportunity to contravene a development standard with approval of the consent authority and concurrence by the Director-General.

A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

> *"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".*

The objectives of Clause 4.6 are as follows:

a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This report is therefore provided in order to justify why a variation is required to Clause 8.6 'Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use' under the following provisions of WLEP 2009, in accordance with Clause 4.6 of that Plan, as the application of these requirements is considered unreasonable or unnecessary for this particular development:

2.0 Clause 8.6 Building Separation within Zone B3 Commercial Core or Zone B4 Mixed Use

The objective of this clause is to "*ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access*". This clause states:

> *(2) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use must be erected so that:*
>
> *(a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and*
>
> *(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and*
>
> *(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.*
>
> *(3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than:*
>
> *(a) 20 metres from any habitable part of a dwelling contained in any other building, and*
>
> *(b) 16 metres from any other part of any other building.*
>
> *(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.*
>
> *(5) In this clause: street frontage height means the height of that part of a building that is built to the street alignment.*

This clause applies to the proposed mixed use development as it is located in the B3 Commercial Core zone of WLEP 2009.

3.0 Discussion of Compliance with Clause 8.6 of WLEP 2009

Table 1 confirms the manner in which the various levels of the building will comply with clauses 8.6(2) and 8.6(3).

Table 1: Compliance with Clause 8.6 of WLEP 2009

Level	Functions	Height	Relevant Clause	Separation Required	Separation Provided	Compliance
Levels LG-UG	Commercial	Below street frontage height	8.6(2)(a)	Nil	Nil	Complies
Levels 1-4	Residential	Below street frontage height	8.6(3)	16m to any other building 20m to any other dwelling	Nil	Variation sought
Levels 5-13	Residential	Above street frontage height and below 45m	8.6(2)(b)		No adjacent interface to existing buildings to north and south. Refer discussion below regarding relationship to 'concept' development on site to the north (20-26 Young St).	
Level 14	Residential	Above and 45m	8.6(2)(c)	28m to any other building	No adjacent interface to existing buildings to north and south. Refer discussion below regarding relationship to concept development on site to the north (20-26 Young St).	

The proposed fifteen (15) storey building contains commercial functions at the Lower Ground and Upper Ground Levels and residential apartments at Levels 1 through to 14. **The Lower Ground and Upper Ground Levels of the building comply with the provisions of clause 8.6(2)(a)** as this clause requires nil separation between buildings up to street frontage height.

Subclause (3) applies to the residential functions at Levels 1 to 13, whilst subclause (2)(c) applies to Level 14, as it is fully above the 45m height line.

The following discussion therefore considers whether the following separation distances are met:

- A 16-20m separation for the residential apartments located at levels 1-13 [subclause (3)].
- A 28m separation distance for level 14 [subclause 2(c)];

The subject site has a primary frontage to Belmore Street to the east and secondary frontage to Young Street to the west. A review of approved development consents on Wollongong City Council's online Development Application Register (in association with on-site analysis of nearby developments) has been undertaken to identify potentially relevant developments have been approved within the vicinity of the subject site.

Separation Distances to <u>Existing</u> Adjacent Buildings to the North

The allotment further to the north of the subject site identified as No. 24 Young Street, is currently vacant. A previous DA for the site was approved for demolition of existing buildings and the construction of an 8 storey commercial building with 3 levels of basement parking (DA-2007/1094), however, the approval was issued on 4 September 2008, and therefore it is unlikely to be current. A more current development application approval was issued for the site (DA-2012/1308 approved 17 March 2014) for construction of a four (4) storey commercial building, which was not constructed at the time of writing this report. Given

the site is currently vacant and there is a possibility that either building may never be constructed, these approvals are considered to be irrelevant to the provisions of this clause in relation to the proposed development.

The property directly to the north of the subject site identified as No.26 Young Street and also the property further to the north being No.24 Young Street, Wollongong, are both located within 20 metres of the subject building. At No.26 Young Street directly adjoining the site to the north, is a single storey commercial/light industrial building (car wash facility) which does not contain any dwellings. The provisions of subclause 3(a) therefore do not apply in this instance, however, subclauses 2(b), 2(c) and 3(b) do apply.

Therefore, in accordance with that subclause, all habitable parts of the residential dwellings at Level 1 through to Level 13 of the proposed development including any balcony, must not be less than 16 metres from this adjacent building to the north [subclause 3(b)] and Level 14 must be at least 28m from any other building [subclause 2(c)]. A Clause 4.6 Exceptions to Development Standards Report which seeks variation to this standard is contained in **Section 4** below.

Separation Distances to Existing Adjacent Buildings to the South

The property directly to the south of the subject site identified as No.36-40 Young Street, Wollongong contains two separate (albeit with zero setbacks) buildings. It is noted that there is a current approval (dated 18 February 2015) for strata subdivision of this site into two commercial allotments (according to Council's online DA Register). The building on the southern-most boundary of No.36-40 is a five storey commercial building (Illawarra Credit Union), however, this building is located more than 20 metres from the property boundary of the subject site, therefore is not relevant in this instance. The second building which is directly adjacent to the subject site on its southern boundary and does fall within the 12 to 20 metres of the proposed building, is a two storey commercial building extending almost the full width of the site, which does not contain any dwellings.

Therefore, in accordance with these subclauses, all habitable parts of the residential dwellings at Levels 1 through to 13 of the proposed development including any balcony, must not be less than 16 metres from this adjacent building to the south [subclause 3(b)] and Level 14 must be at least 28m from any other building [subclause 2(c)]. A Clause 4.6 Exceptions to Development Standards Report which seeks variation to this standard is contained in **Section 4** below.

Separation to Future Buildings on Adjacent Site to North (No. 20-26 Young St)

Clause 8.6 of WLEP 2009 only requires consideration of building separation to existing buildings and does not require consideration of separation to potential future buildings. Irrespective of this, for the purpose of a comprehensive assessment of the impact of the reduced separation distances, consideration has been given to the separation to the proposed development at No. 20-26 young Street to the immediate north. It is noted that a 'concept' plan has been prepared for this site, however this prospective development has not been the subject of a formal application to Council.

Separation to Other Buildings on Adjoining Sites

Other developments in the vicinity which are not located within the specified relevant distances due to the separation provided by road reservations are:

- Diagonally opposite the subject site on the corner of Market and Young Street (No.89 Market Street Wollongong) is a four (4) storey commercial building.
- Directly to the west of the site on the opposite side of Belmore Street are older low density residential housing stock in the form of single dwellings.
- A large shop top housing development (PeopleCare) is located further to the north of the site at the intersection Belmore and Victoria Streets (Nos 3-15 Belmore and 2-12 Young Street).
- It is noted that a two storey shop top housing building located at No.26 Belmore Street, directly opposite the site. This building, due to its zero front building setback is approximately 20 metres from the subject site's western property boundary, however, given the tower of the proposed development is 19.19m from this property boundary, the provisions of subclauses (2) and (3) are met with respect to this building. Therefore, the development complies with this clause.

4.0 Clause 4.6 - Exceptions to Development Standards Report

Clause 8.6 of WLEP 2009 contains development standards in the form of minimum separation distances adjoining buildings. A written justification for the proposed variation to the floor space ratio is therefore required in accordance with Clause 4.6. Table 2 below outlines how the proposal relates to the provisions of Clause 4.6 as it applies to the contravened development standards in Clause 8.6 of the WLEP.

As indicated above, this Statement seeks variation to the following separation distances to existing buildings:

- Residential dwellings at Level 1 through to Level 13 of the proposed development, which do not meet the required 16 metres from the adjacent commercial buildings to the north and south [subclause 3(b)];
- Residential dwellings at Level 14 of the proposed development which does not meet the required 28m from the adjacent commercial buildings to the north and south [subclause 2(c)].

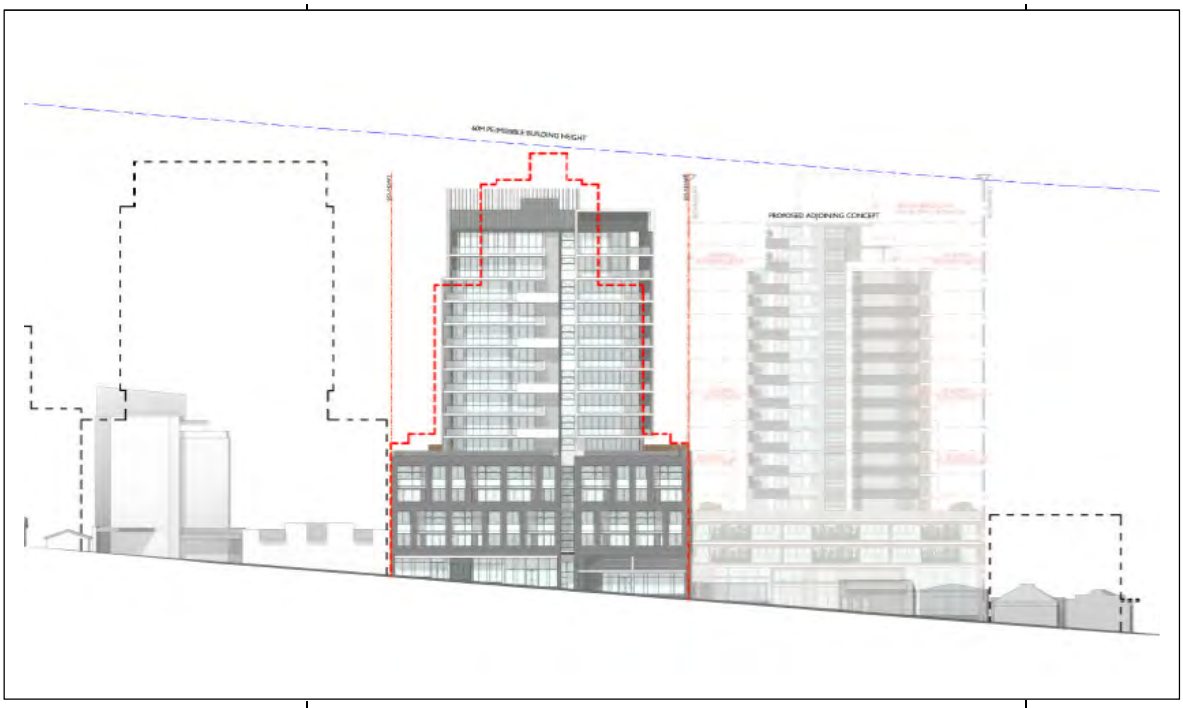
In preparing this statement, consideration has been given to Land and Environment Court Judgements *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (and appeal at NSWLEC 90) and Wehbe v Pittwater Council [2007] NSWLEC 827*, namely that the objection is well founded, that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
(1) Objectives *a) to provide an appropriate degree of flexibility in applying certain development*	Flexibility is sought for the application of the building separation requirements to the north and south for the residential levels of the building (levels 1-14) so that a better outcome is achieved for the site. The particular circumstances for this are as follows: **North:**	Justified

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
standards to particular development, and *b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances..*	▪ At No.26 Young Street directly adjoining the site to the north, is a single storey commercial/light industrial building (car wash facility). Whilst a previous DA for an eight storey building was approved for No. 24 Young Street (DA-2007/1094), this approval appears to have lapsed. Hence, there are no existing or approved buildings for the sites to the north for buildings of above 1 storey. Therefore, there is no direct interface between the adjacent development to the north and any of the residential levels of the building. The only interface is limited to the Lower Ground/Upper Ground commercial levels of the building, which are sited on the side boundary, as required by clause 8.6. ▪ Currently compliance with the building separation requirements of clause 8.6 is therefore achieved to the north. However, consideration has been given to the potential compliance with the building separation requirements in the event that the adjacent site to the north is developed, noting that a 'Concept' Plan has been prepared and has been the subject of early discussions with Council. The extract of the revised Contextual Streetscapes (Young Street Aspect) prepared by ADM Architects as reproduced in Figure 1 below shows the outline of the 'concept' buildings on the sites to the north.	

Figure 1: Contextual Streetscape



▪ Figure 1 confirms that, whilst compliance with the required 20m separation will not be achieved, compliance with the requirements of the ADG will be achieved to the walls and the principle balcony areas (excluding angles) at Level 6-12 of the building (*refer to larger scale diagram in architectural package for dimensions*). The standards contained in the ADG are considered to the more appropriate guiding standards which should be adhered to, noting that the

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
	provisions of clause 8.6 of WLEP 2009 conflict with such standards. Further, at Levels 6-12 of the building the minimisation of windows and the provision of louvres to balconies ensures that the objectives of the controls are met with respect to privacy and overlooking. ▪ At Level LG to 4 the proposed building at No. 28 Young Street is sited on the boundary, providing a zero setback. This is an appropriate streetscape outcome which provides a continuous building form at street level and which meets the provisions of clause 2.5 of Chapter D13 (Wollongong City Centre) of WDCP 2009. This clause requires nil setbacks for both commercial and residential uses up to the street frontage height in the commercial core zone. The 'concept' building to the north also contains a zero setback at the first three levels, with a 9m setback at the upper levels. There will be no overlooking impacts given the interface of the 'concept' building with the zero boundary setback of the proposed building at No. 28 Young Street. ▪ At Level 5 reduced setbacks are provided to the communal open space and balconies. However, this level is located on the roofspace of Level 4 which meets the nil separation requirement of clause 8.6(2)(a). Further, this level provides extensive landscaping which will create non trafficable areas and a high level of screening to address privacy concerns. ▪ Above 45m in height (Levels 13 and 14) a 20.44m separation will be provided between walls (12m for the concept proposal and 8.44m for No. 28), however the walls of the proposed development at No. 28 Young Street do not contain any openings, protecting privacy. Whilst lesser separation is provided between balconies and particularly the angled corners, such balconies are provided with louvres to address privacy. Angling of balconies also provide visual interest. **South:** ▪ To the south of the proposed building is a five storey commercial building (Illawarra Credit Union) at No.36-40 Young Street, however, this building is located more than 20 metres from the property boundary of the subject site, therefore is not relevant in this instance. The second building which is directly adjacent to the subject site on its southern boundary and does fall within the 12 to 20 metres of the proposed building, is a two storey commercial building extending almost the full width of the site, which does not contain any dwellings. ▪ The only interface with this building is at the Upper Ground (commercial) level at Young Street and at Level 1, which contains residential units. The commercial level complies with the provisions of clause 8.6 as there is nil separation with adjacent buildings at this level which is below street frontage height. Whilst Level 1 is also below street frontage height, this level is required to adhere to a 16m separation distance as the proposed development contains a dwelling (noting that the adjacent building does not). ▪ Variation to the 16m separation control of clause 8.6 is considered warranted as the provisions of zero setbacks on the southern (and northern) boundary provides a strong base to the building and a continuous street form in this inner city location, as intended by the provisions of Chapter D13 of WDCP 13. Further, the residential units at Level 1 (and Levels 2-4) do not contain any windows on the southern (or northern) boundaries but entirely face the street, thereby addressing potential privacy and amenity issues.	

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
	The building has been sited towards the Young Street frontage to provide a strong street address at the western termination of Young Street. Narrowing of the building form (and extension of the tower in a western direction) would not provide an appropriate, nor desirable built form outcome and would not achieve the 'monumental' building as requested by the Design Review Panel. The Design Review Panel has supported the positioning of the building having regard to both spatial separation and privacy objectives and has advised of the following at its meeting of 9 October 2018: ▪ *"On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved."* ▪ *"The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression."* ▪ *"A competent and appropriate building aesthetic has been developed."* Hence, it is considered that the objective of this clause is addressed.	
(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	This subclause is not relevant to the subject proposal.	N/A
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	This table comprises the written request seeking to justify the contravention of the building separation development standard.	Provided

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	*In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, para 61, Commissioner Person summarises the considerations from Wehbe v Pittwater Council* [2007] NSWLEC 827 at [42] per Preston CJ, and notes in para 62 that clause 4.6 can be considered in a similar way to that of SEPP 1. In *Wehbe* at [44]-[48] Preston CJ identified other ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary, namely that the underlying objective or purpose is not relevant to the development; that the objective would be defeated or thwarted if compliance was required; that the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard; or that the zoning of the land is unreasonable or inappropriate. A response to each of these approaches is therefore provided as it relates to the current proposal: *The underlying objective or purpose is not relevant to the development* This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied). It is the numerical standard itself that is not relevant to the development and is incompatible/more stringent than standards/guidelines imposed by the Apartment Design Guidelines via SEPP 65 (a higher order environmental planning instrument). *That the objective would be defeated or thwarted if compliance was required* This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied). *That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard* Council's standards are inconsistent with and are more stringent than standards/guidelines imposed by the Apartment Design Guidelines via SEPP 65 (a higher order environmental planning instrument) and hence are effectively abandoned or destroyed by alternative and reasonable planning outcomes at the State level. The zoning of the land is unreasonable or inappropriate. The zoning of the land is appropriate, however as mentioned above, the numerical development standard applicable in the zone by Clause 8.6 for building separation is not. Overall: Compliance with the applicable building separation distances are considered to be unreasonable and unnecessary in the circumstances of the case as the consolidation of all allotments on the site provide the opportunity for an alternative (and satisfactory) site planning and built form outcome to that anticipated by the formal planning controls (as demonstrated below). As mentioned above, the building separation requirements are excessive and conflict with the recommendations of the Apartment Design Guidelines (ADG) which is referenced within State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) and which should be considered as the relevant planning document when measuring design outcomes of residential development. The recommendations of the ADG require separation distances of only 9m for non-habitable rooms (ie. 4.5m on each adjoining development site) for up to 25m and 12 (ie. 6 m per site) for over	Justified

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
	25m. The building achieves the non-habitable separation standards which are considered to be appropriate given the orientation of residences to Belmore and Young street and the strategic placement of louvres windows and balconies to prevent overlooking of adjacent buildings to the north and south. It is therefore justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	*In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, Commissioner Person determined that* it is necessary for applicants to show sufficient grounds <u>particular to the development</u> in the Clause 4.6 objection. The variation to the development standard (building separation for the residential levels of the building) enable the feasible and appropriate development of the site, based on the following: i) The placement of the building provides a suitable tower width for this site at the western termination of Market Street; ii) The lower levels of the building provide a strong base to the building, with nil setbacks to provide a continuous street form as required by Chapter D13 of Wollongong City Center; iii) There is no immediate interface at the majority of levels within the building due to the 1-2 storey nature of <u>existing</u> adjacent developments to the north and south; iv) The separation distances which are proposed are generally consistent with that approved pursuant to DA 2016/1061, with only minor reduction at the upper levels as the proposed building does not incorporate additional and 'stepping' at the top two levels of the building, as this would not result in a desirable tower form. However, it is noted that at the upper levels there is no direct interface with any <u>existing</u> adjacent building. If the minimum building separation distances were achieved on this site, the resultant building footprint, particularly for the tower element, would be narrow and would not achieve the orderly and economic development of land. Further, the JRPP in its favorable determination of DA 2016/1061 (which remains valid) has endorsed the general positioning of the building on the site, which indicates that the objectives of the standard can be met and the necessity for adherence to the controls is outweighed by the desired built form outcomes. In addition, as demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including: ▪ State Environmental Planning Policies (refer Section 5 & 6); ▪ Other provisions of the WLEP 2009 (refer Section 7); ▪ The relevant Chapters of WDCP 2009 (refer Section 8); ▪ Section 4.15 of the Environmental Planning and Assessment Act 1979 (refer Section 9). The reduced separation distances continue to adhere to the non-habitable design criteria of the ADG which have been specifically prepared to ensure that new development provides visual and acoustic privacy for existing and new residents; controls overshadowing of adjacent properties; and provides appropriate massing and spaces between buildings.	Justified
(4) Consent must not be granted for development that		

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
contravenes a development standard unless: *(a) the consent authority is satisfied that:*		
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the floor space ratio requirements.	Satisfied
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and ***Wollongong LEP 2009:*** Objectives of the Standard (Clause 8.6) *"to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access".* Objectives of the Zones ▪ *To provide a mixture of compatible land uses.* ▪ *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.* ▪ *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*	Despite the exceedence of the allowable separation distances, the proposed development will be in the public interest as it still meets the objectives of the clause 8.6 as it: ▪ Visual appearance: Provides a suitable built form to the consolidated block site by maintaining the continuous built form which is sought along Young and Belmore Streets and transferring the majority of the floor area to the tower element which is focused on the Young Street frontage, being the primary commercial frontage. ▪ Solar Access and Privacy: The orientation of dwellings and the separation distances proposed will continue to provide privacy for existing tenants of the (currently commercial) adjacent properties, and for new residents of the proposed building (and future buildings on adjacent sites). It will not impact on overshadowing as depicted within the Shadow Analysis; and will continue to provide acceptable spatial separation between buildings. Hence the proposed development achieves the objective of the building separation development standard. The proposed development is also consistent with the objectives of both the B3 Commercial Core zone as it will: ▪ Provide ground floor retail/commercial uses to meet the needs residents and visitors to the locality, and provide employment opportunities for the tenants and employees of these tenancies; ▪ Provides retail/commercial uses in close proximity to the existing transport infrastructure (bus, rail, cycling); ▪ Provides a suitable built form and land use development for at a highly accessible location to the amenities and facilities of the Wollongong city centre; ▪ provide a range of apartment types in immediate/very close proximity to the commercial centre and public transport. Overall, the development of the site as proposed will facilitate the ongoing viability and economic development of the Wollongong City Centre and hence is in the public interest. Furthermore, it is considered that the proposed development meets the majority of the Aims of WLEP 2009 [Clause 1.2(2)] as follows: *(b) encourage economic and business development to increase employment opportunities,* *(c) encourage a range of housing choices consistent with the capacity of the land,* *(f) conserve and enhance heritage,* *(g)ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure.*	Justified
(c) the concurrence of the Director-General has been obtained.	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be	Addressed

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	**Response/Justification**	**Consistent/ Complies**
	assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	
(5) In deciding whether to grant concurrence, the Director-General must consider:		
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.	Addressed
(b) the public benefit of maintaining the development standard, and	The development is located on a large consolidated site at the western termination of Market Street. The profile of this site lends itself to ensuring the development which occurs is consistent with the Vision for the City Centre. The subject development, while varying the separation distances required by clause 8.6 of WLEP 2009, will not result in any increase in any unreasonable impacts on nearby properties (all commercial/non-residential), particularly having regard to its level of compliance with the separation distances of the ADG and setback requirements of WDCP 2009. There will be no measurable public benefit by adhering to the separation distance requirements of Clause 8.6, particularly as they place a more onerous, and arguably excessive, separation requirement on the development. Hence, the proposed development will not raise any matter of state or regional planning significance.	Satisfied
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.	Addressed

Conclusion: This Statement has addressed the provisions of Clause 4.6 of Wollongong LEP 2009 and demonstrates that the variation sought to the development standard of the LEP (Building Separation) is justifiable on the basis of desired built form outcomes, the need for a continuous street alignment, the lack of interface with existing adjacent buildings, the ability to develop adjacent sites with adherence to separation distances, general consistency with separation distances of the previous approved development on the site (DA 2016/1061), acceptable spatial separation to the 'concept' proposal on the adjacent site to the north and achievement of environmental planning outcomes. The non-compliant building separation to the existing buildings does not create any unreasonable impacts on adjoining sites in terms of visual impact, disruption of views nor loss of privacy having regard to design outcomes in an inner city context. The proposed development is consistent with Council's vision for the Wollongong City Centre and adheres to the three dimensional building envelope controls established by WLEP 2009 (height/FSR) and the Residential Flat Design Code (non-habitable separation distances). On this basis, strict compliance with the FSR and building separation controls of WLEP 2009 is considered unnecessary.

Wollongong Design Review Panel
Meeting minutes and recommendations DA-2018/973

Date	9 October 2018
Meeting location	Wollongong City Council Administration offices
Panel members	David Jarvis
	Tony Quinn
	Marc Deuschle
Apologies	Nigel Lamb, Senior Development Project Officer
Council staff	Pier Panozzo– Manager Development Assessment & Certification (Acting)
Guests/ representatives of the applicant	Angelo Di Martino – ADM Architects Elaine Treglown - TCG Consulting Tracey Whiteman – Landscape Architect John Kouri – Raw Constructions
Declarations of Interest	Nil
Item number	3
DA number	DA-2018/973
Reasons for consideration by DRP	Clause 28 SEPP65, Clause 7.18 WLEP 2009
Determination pathway	Wollongong Local Planning panel (WLPP) Section 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the Development is sensitive development
Property address	28-32 Young Street & 29-31 Belmore Street Wollongong
Proposal	Residential - demolition of existing structures and construction of a 15 storey mixed use development comprising 7 commercial tenancies 66 residential apartment and car parking for 97 vehicles.
Applicant or applicant's representative address to the design review panel	
Background	The site was previously inspected by the Panel 19 June 2018 & again 9 October 2018
Design quality principals SEPP65	
Context and Neighbourhood Character	The site is located within an evolving context at the edge of Metro Wollongong's Commercial Core, with frontages to both Young and Belmore streets. The site has a frontage of 40.23m, has a significant fall to the west and is centred on Market Street, which rises to its east. While Young Street hosts a mix of mixed use and shop top housing developments, it's Belmore Street context comprises lower scale residential dwellings, as well as larger buildings to the north and south. A DA has been approved for an alternate proposal for this site, which the panel had reviewed. Numerous suggestions and comments of the panel had been suitably addressed by the approved DA proposal, this new proposal ccontinues to build on this past resolution. The new proposal is a revised programme of function comprising street level commercial space, duplex apartments sleeving car parking within a podium form and an exclusively residential tower

	above – the previously proposed hotel component has been omitted from the scheme. The proposal comprises a five-storey residential podium and tower with some retail at grade. The building is located between Young and Belmore Streets and is centred, axially on Market Street giving it significant presence at an urban scale and elevating its importance within a wider context for Wollongong. In response to the panels previous comments further contextual analysis has been undertaken, demonstrating that the proposal will sit comfortably in the anticipated future context of this precinct. Street level retail has been further refined to respond to the topography of both street frontages, providing at grade entrances to all retail spaces that connect to the streets, contributing to the activation of the streets. Street trees are now being proposed along Belmore Street. The applicant advised that extensive services located within the Young Street foot path prevented additional street trees from be provided in Young Street. The panel would urge the existing tree should remain.
Built Form and Scale	The built form comprises of a residential podium of five to six storeys between Young Street and Belmore Street, filling the entire site. A residential tower sits above the podium. A communal space with swimming pool is provided at level six; the layout of this communal space has been developed to limit potential privacy issues between the communal terrace and adjoining residential units. However further refinement of the communal space is recommended to improve amenity (Refer to Landscape comments). Four light-wells form narrow slots in the north and south face of the podium, bringing natural light down to corridors of the duplexes below. The width and expressions of these slots will also play an important role in articulating nil set back side elevations of the building base, as these elevations will remain exposed until the adjoining sites are developed. In response to the panels previous comments the light wells have been increased in width to further articulate the exposed edges of the podium and increase natural light into common circulation areas. While the scale of the proposal generally complies with LEP and DCP requirements, building separation between habitable spaces (including common open areas) and adjoining properties alongside boundaries do not conform to the requirements of the ADG. Part 3F of the ADG requires 9m boundary set back for window of habitable rooms or balconies of buildings between 5-8 storeys and 12m boundary setback for buildings over 9 storeys. However, none habitable rooms (or interfaces that do not result in potential visual privacy issues) can be a minimum of 6m for buildings in excess of 9 storeys.

	On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved. To ensure that this design intent is realised and compliance with the requirements of the ADG met, the applicant is required to provide dimension and angles of blades and openings, to be submitted.
Density	The proposal appears to be consistent with the LEP's density and height requirements for the site. The design of the podium extends the full extent of the site and assumes that future neighbours will adjoin the built form to create a consistent street wall. However, as this will be the first larger building built to permitted controls, these walls will be exposed for some time, In response to the panel's previous comments the slots have been increased to create three distinct elements within each façade. Materials have also been developed to allow the brickwork to wrap around the corner of the façade and accentuate the central element with a pattern reflected in the tower above. The proposal now presents as a scale and density consistent with the desired future character of this precinct.
Sustainability	While specific sustainability strategies were not discussed at the meeting, it is acknowledged that the proposal achieves the required levels of solar access and cross ventilation. Other measures, such as solar panels and water reuse are required to meet sustainability objectives – a building of this scale is expected to include ESD initiatives.
Landscape	The panel noted that 4 street trees are now proposed for Belmore Street – with four species listed. It is recommended that the Blueberry Ash be removed as an option as it's form is not in keeping with the future character of the area. The single existing tree on Young Street must be retained. The majority of landscape for this development is the COS on roof terrace. This has been vastly improved since the last panel review and could benefit from these further considerations: - The landscape seen immediately upon exiting the lift is proposed to be a communal/vegetable garden. Given the variable success of such a garden (relying on residents to maintain) it is proposed that the entry landscape be a permanent feature and that the vegetable garden be associated with the BBQ area (this association could be integrated with the rest of the space or as a separate garden area). - The access stairs leading to the pool from the BBQ area should be rotated 90 degrees to allow a larger platform adjacent to the pool to be achieved.

	- The planting between the pool area and the quiet garden should be continuous to completely separate these two spaces; it could be supplemented with visual barriers such as screens or hedges. - The feel of the quite garden could be enhanced to reflect the quiet nature of the space by altering the finishes. Narrowing the entry slightly and adding a 'floating' feeling with pebbles or plants around the edge will give a more intimate/meditative feel to the space.
Amenity	Apartments are generally designed in a functional manner to provide a reasonable level of amenity to future occupants. Bed room 1 of Unit 502 and 503 have been designed with snorkel type windows. Though technically not compliant with the recommendations of the ADG, these windows create bays that are well proportioned, that add to the amenity of the room. Strict compliance with the ADG would not, in this instance, improve the quality of the rooms. The intent of an adaptable unit is to provide a unit that can be adapted to respond to the specific needs of an individual at minimum cost and inconvenience. Units 601, 801,1001 and 1201 require laundries to be relocated, bath rooms to be completely rebuilt and the bed rooms to be reconfigured. This is not in the spirit of an adaptable unit, it is recommended that the units are developed to facilitate easier adaptation.
Safety	No significant safety issues where raised at the meeting.
Housing Diversity and Social Interaction	An appropriate mix of uses has been proposed for this neighbourhood and the Communal spaces provide good opportunity for social interaction.
Aesthetics	The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression. A competent and appropriate building aesthetic has been developed. Servicing of the building should be considered at this stage of the design process. The location of service risers, carpark exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated.
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building	Yes

type and location will be achieved	
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Yes
Whether the proposed development detrimentally impacts on view corridors,	No apparent impact on views.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
How the development addresses the following:	
the suitability of the land for development,	Yes, Appropriate site
existing and proposed uses and use mix	Yes, Appropriate mix of uses.
heritage issues and streetscape constraints,	N/A
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	Yes
bulk, massing and modulation of buildings	Yes, Appropriate
street frontage heights	Yes, Appropriate
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Yes, Appropriate
the achievement of the principles of ecologically sustainable development	
pedestrian, cycle, vehicular and service access, circulation and requirements	Pedestrian and vehicular access strategies are appropriate
impact on, and any proposed improvements to, the public domain	Yes, Appropriate
Recommendations	The proposal has been developed to relate appropriately to the future desired context of the neighbourhood. A reasonable level of amenity will be provided to the

	building's occupants and competent aesthetic developed. Some minor refinements, further consideration of the following issues are recommended: - Further development of adaptable units - Further refinement of the communal terrace - A dimensioned detail provided to document privacy screens.

Attachment 8 – Draft refusal reasons

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the Design Quality Principles contained in Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development in respect of Context and neighbourhood character, Built form and scale, Safety and Aesthetics.

2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed does not meet the recommended building separation distances under the Apartment Design Guide. The reduced separation distances are considered to result in adverse impacts and the variations not well founded.

3. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed does not have regard to the Apartment Design Guide in respect of the communal storage area. This area is not considered to be convenient or accessible.

4. Pursuant to the provisions of Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development does not have regard to the Apartment Design Guide in respect of apartment size and layout. Bedrooms are accessed directly off living spaces contrary to Objective 4D3 which states that access to bedrooms, bathrooms and laundries is separated from living areas.

5. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the maximum FSR permitted under clause 4.4A of Wollongong Local Environmental Plan 2009.

6. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed is not considered to exhibit design excellence as required under clause 7.18 of Wollongong Local Environmental Plan 2009.

7. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the recommended setbacks contained in Wollongong Development Control Plan 2009, Chapter D13 section 2.5. The variations are not well founded and are considered to result in adverse impacts.

8. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is of a bulk and scale that would adversely impact future development and the streetscape.

9. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

Attachment 9 Draft conditions

Approved Plans and Specifications

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

Site/Development Summary A-001 C dated 18 January 2019 prepared by ADM Architects
Site Plan A-100-C dated 18 January 2019 prepared by ADM Architects
Detailed Site Plan A-101 C dated 18 January 2019 prepared by ADM Architects
Basement Floor Plan A-102-B dated 8 March 2019 prepared by ADM Architects
Lower Ground Floor Plan A-103-D dated 8 March 2019 prepared by ADM Architects
Upper Ground Floor Plan A-104-C dated 18 January 2019 prepared by ADM Architects
Level 1 Floor Plan A-105-E dated 11 March 2019 prepared by ADM Architects
Level 2 Floor Plan A-106-D dated 8 March 2019 prepared by ADM Architects
Level 3 Floor Plan A-107-E dated 11 March 2019 prepared by ADM Architects
Level 4 Floor Plan A-108-D dated 8 March 2019 prepared by ADM Architects
Level 5 Floor Plan A-109-E dated 11 March 2019 prepared by ADM Architects
Level 6, 8, 10 & 12 Floor Plan A-110-E dated 11 March 2019 prepared by ADM Architects
Level 7, 9 & 11 Floor Plan A-111-E dated 11 March 2019 prepared by ADM Architects
Level 13 Floor Plan A-112-C dated 18 January 2019 prepared by ADM Architects
Level 14 Floor Plan A-113-C dated 18 January 2019 prepared by ADM Architects
Roof Plan A-114-C dated 18 January 2019 prepared by ADM Architects
West Elevation Plan A-201-E dated 11 March 2019 prepared by ADM Architects
North Elevation Plan A-202-E dated 11 March 2019 prepared by ADM Architects
East Elevation Plan A-203-E dated 11 March 2019 prepared by ADM Architects
South Elevation Plan A-204-E dated 11 March 2019 prepared by ADM Architects
Section A-A Plan A-205-E dated 11 March 2019 prepared by ADM Architects
Section B-B Plan A-206-E dated 11 March 2019 prepared by ADM 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 All work is to be in accordance with the geotechnical recommendations contained in the report dated March 2018 by STS GeoEnvironmental and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

b 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 the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

c Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.

d Site preparation earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.

e All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.

f Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.

g 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 **Stormwater Quality Management**

a The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%

b It is the responsibility of strata management to maintain the stormwater filtration system.

4 **Building Work - Compliance with the Building Code of Australia**

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

5 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

6 **Occupation Certificate**

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

7 **Tree Retention/Removal**

The Applicant shall retain the existing street tree indicated on the Landscape Concept Plan by Ochre Landscape Architects, dated 2 November 2018 consisting of tree numbered T3 (Syzygium paniculatum).

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

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

This consent permits the removal of trees numbered T1, T2, T4 and T5 as indicated on the Landscape Concept Plan by Ochre Landscape Architects, dated 2 November 2018. No other trees shall be removed without prior written approval of Council.

8 **Street Tree Removal**

The Applicant shall remove the existing street trees indicated on the Landscape Concept Plan by Ochre Landscape Architects, dated 2 November 2018 consisting of tree(s) numbered T1 and T2.

Tree removal costs are to be borne by Applicant. 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 Applicant 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

9 **Belmore and Young Street – Detailed Civil Engineering Design – Council Land**

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council Land. The details must be submitted to Councils Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Stormwater Lower Ground Plan, Job no.096-WH18, Drawing no. SW-03, Rev 02, by Horizon Engineers, dated 31 January 2019 and shall include:

a Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels, and shall extend a minimum of five (5) metres beyond the limit of works.

b Footpath longitudinal sections, and cross-sections at five (5) metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.

c Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.

d Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.

e All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.

f Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves.

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

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

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

11 **Construction Environmental Management Plan**

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed Construction Environmental Management Plan (CEMP) prepared by a suitably qualified person shall be submitted to the Principal Certifying Authority and Council (in the event Council is not the Principal Certifying Authority for its records). The CEMP shall include (but not be limited to) the following details:

- plan of proposed demolition materials and construction storage areas;
- parking for construction workers during the demolition and construction phases;
- the type of materials/plant/equipment to be transported to and stored at the site and how is it to be transported and stored;
- timing of delivery of materials;
- the proposed access points to the site during demolition and construction; and
- address all environmental aspects of the development's demolition and construction

phases including site dewatering and groundwater management, erosion and sediment control; dust suppression and noise and waste management.

- unexpected finds and soil disposal classification protocol as outlined in the Update to Preliminary Site Investigation Letter dated 28 August 2018 prepared by Fyfe Consulting.

12 **Present Plans to Sydney Water**

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

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

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

13 **Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Builders and Developers" section of the web site www.sydneywater.com.au then search to "Find a Water Servicing Coordinator". Alternatively, telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

14 **Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

15 **Telecommunications**

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

16 **Car Parking and Access**

The development shall make provision for the following:

Residential

- 64 residential car parking spaces (including 7 spaces capable of adaption for people with disabilities).
- 13 residential visitor parking spaces.
- 5 residential motorcycle parking spaces.
- 22 secure (Class B) residential bicycle spaces.
- 6 visitor bicycle spaces (Class C).

Commercial

- 13 commercial car parking spaces (including 2 disabled car parking spaces).
- 1 commercial motorcycle parking space.
- 2 secure (Class B) employee bicycle spaces.
- 1 commercial visitor bicycle space (Class C).

This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

17 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.

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

19 **Designated Loading/Unloading Facility**
The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

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

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

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

23 **Water/Wastewater Entering Road Reserve**
Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

24 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.

25 **Details of Proposed Pit and Pipeline**
Details of the proposed connecting pipeline to the Council pit within the existing drainage system in Belmore Street shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

27 **Final Landscape Plan Requirements**
The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate is required. The final Landscape Plan shall address the

following requirements:

a the inclusion of a cabana within the communal open space on the southern end of pool deck, utilising 50% of the seating area, to provide an all-weather structure.

b the inclusion of a horizontal and vertical root barriers over any underground services for the length of the tree pits, to protect underground services from mechanical damage and root incursion. The barrier shall be constructed of a material strong enough to prevent machinery from damaging underlying services. Suitable materials would be steel plate or an approved equivalent.

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

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

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

30 **Tree Protection and Management**

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

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

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

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

a A plan of the wall showing location and proximity to property boundaries;

b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;

c Details of fencing or handrails to be erected on top of the wall;

d Sections of the wall showing wall and footing design, property boundaries 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 and footing structure must be contained wholly within the subject property;

e The proposed method of subsurface and surface drainage, including water disposal;

f Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;

g The assumed loading used by the engineer for the wall design.

h 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.

32 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.

33 **Property Addressing Policy Compliance**
Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing (propertyaddressing@wollongong.nsw.gov.au),** for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

34 **Footpath Paving City Centre**
The Applicant is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual. Belmore Street is a Minor Civic Street, Young Street is classified as a Civic Street.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained with the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Works.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

35 **Street Trees in the City Centre – Installation Requirements**
The Applicant must address the street frontage by installing street tree planting. The number and species for this development are six (6) in total, Syzygium paniculatum, two (2) on the Young Street frontage and four (4) on Belmore Street 200 litre container size in accordance with AS 2303:2015 Tree Stock for Landscape Use.

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/tree grille/root barrier/tree edging installed to the satisfaction of WCC Manager of Development Engineering.

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

Arborist Verification: Prior to the issue of Occupation Certificate, the developer must supply certification from an AQF Level 5 Arborist to the Principle Certifying Authority and Wollongong City Council to verify:

- The tree stock complies with AS 2303:2015 Tree Stock for Landscape Use.
- The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

36 **Roofwater 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.

37 **Stormwater Drainage Design**

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

a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Stormwater Basement, Job no.096-WH18, Drawing no. SW-02, Rev 02, by Horizon Engineers, dated 31 January 2019 and Stormwater Lower Ground Plan, Job no.096-WH18, Drawing no. SW-03, Rev 02, by Horizon Engineers, dated 31 January 2019.

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, flows from the OSD facility must be directed to the street via the driveway and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

38 **On-Site Stormwater Detention (OSD) Design**

The developer must provide on-site stormwater detention (OSD) storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.

b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 12.2.4 of Chapter E14 of the Wollongong DCP2009.

c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.

d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.

e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.

f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.

g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be

installed prior to the issue of the occupation certificate:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
- Identification number DA-2018/973;
- Any specialist maintenance requirements.

h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

39 **Council Footpath Reserve Works**

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

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

40 **Dilapidation Survey**

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

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

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

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

41 **Street Tree Establishment Period**

The applicant must comply with the terms of an approved landscape maintenance program for a minimum period of 24 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance.

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

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

42 **Development Contributions - City Centre**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of $395,400.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate as outlined in Clause 25K of the Environmental Planning and Assessment Regulation 2000.

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	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1019568	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

Prior to the Commencement of Works

43 **Appointment of Principal Certifying Authority**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

a Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and

b notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

44 **Sign – Supervisor Contact Details**

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

a stating that unauthorised entry to the work site is not permitted;

b showing the name, address and telephone number of the Principal Certifying Authority for the work; and

c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

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

45 **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.

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

47 **Demolition Works**
All demolition works shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

48 **Notification to SafeWork NSW**
The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

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

50 **Consultation with SafeWork NSW – Prior to Asbestos Removal**
A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

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

52 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**
Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

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

54 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be

submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

a Digging or disruption to footpath/road reserve surface;
b Loading or unloading machinery/equipment/deliveries;
c Installation of a fence or hoarding;
d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
e Pumping stormwater from the site to Council's stormwater drains;
f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
g Construction of new vehicular crossings or footpaths;
h Removal of street trees;
i Carrying out demolition works.

55 **Works in Road Reserve – Major works**

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

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

a Digging or disruption to footpath/road reserve surface;
b Loading or unloading machinery/equipment/deliveries;
c Installation of a fence or hoarding;
d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
e Pumping stormwater from the site to Council's stormwater drains;
f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
g Construction of new vehicular crossings or footpaths;
h Removal of street trees;
i Carrying out demolition works.

Restoration must be in accordance with the following requirements:

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

During Demolition, Excavation or Construction

56 **Noise Assessment Report**

The recommendations of the Noise Assessment Report dated 26 July 2018 prepared by Acoustic, Vibration and Noise Pty Ltd shall be implemented as described.

57 **Mechanical Plants and Exhaust Ventilation System**

Mechanical Exhaust

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS4674-2004, AS1668.2-1991 and the grease filters to comply with AS1530.1.

Outdoor Air Conditioning or Refrigeration Units

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure 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 and commercial spaces to comply with the vibration guidelines.

58 **Water Sensitive Urban Design**
Stormwater leaving the site shall comply with water quality objectives of WDCP 2009 Chapter E15 for Gross Pollutants, Total Suspended Solids, Total Nitrogen and Total Phosphorus. A filtration system is to be installed consistent with these water quality objectives.

59 **No Adverse Run-off Impacts on Adjoining Properties**
The construction of the development shall ensure there are no adverse effects to adjoining properties as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

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

60 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

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

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

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

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

62 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

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

64 **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.

65 **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."

66 **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.

67 **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.

68 **Podium Planting**

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

Prior to the Issue of the Occupation Certificate

69 **Works-as-Executed Plans – Works within Council Land**

The submission of a Works-As-Executed (WAE) plan for works within Council land must be submitted to Councils Development Engineering Manager for assessment, prior to the release of the occupation Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- Final locations and levels for all works associated with the development within Council land.
- the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

70 **Completion of Engineering Works**

The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the

applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

71 **CCTV**

All stormwater pipes within road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Councils Development Engineering Manager for assessment prior to the issue of the Occupation Certificate. Below standard work must either be replaced or repaired to Councils satisfaction prior to the issuing of the Occupation Certificate.

72 **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 Certifying Authority prior to the issue of the final Occupation Certificate.

73 **Restriction on Use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council."

The instrument, showing the restriction, must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

74 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.

75 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, eleven 100 litre container mature plant stock shall be with the Level 5 podium planting.

76 **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority 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.

77 **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be

referenced).

The instrument, showing the positive covenant must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

78 **On-Site Detention – Structural Certification**
The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

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

80 **Completion of Streetscape Landscape Works**
The Applicant must complete all landscape works required by this consent within Council's road reserve, or other Council owned or controlled land in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Applicant and any damage to Council's assets shall the subject of restoration works sufficient to restore the asset to its previous state and configuration, notwithstanding previous wear and tear. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

Operational Phases of the Development/Use of the Site

81 **Servicing and Deliveries**
All commercial servicing and deliveries are to be undertaken outside of normal retail trading hours to ensure that service and delivery vehicles reversing within car parking area do not impact on the safety of the general public.

82 **Waste Servicing Hours of Operation**
All waste servicing is to be carried out between 6am - 7:30am to ensure that vehicles are able to turn and exit in a forward direction without being obstructed by other vehicles using the car park, or causing safety issues.

83 **On-site Waste Collection Only**
All waste collection must be carried out from within the site. Waste collection from the street is not permitted at any time.