

# Wollongong Local Planning Panel Assessment Report | 20 March 2019

<b>WLPP No.</b>	Item No.3
<b>DA No.</b>	DA-2018/1211
<b>Proposal</b>	Residential – demolition of existing structures and construction of a Residential flat building (RFB)
<b>Property</b>	Lot 1 DP 620055 No. 11 Gipps Street, Wollongong
<b>Applicant</b>	ADM Architects
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Team (BH)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Wollongong Local Planning Panel

The Development Application has been referred to WLPP for determination pursuant to 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the development of a RFB 4 or more storeys in height is considered to be sensitive development.

#### Proposal

The proposal comprises the demolition of 4 x 2 storey multi-dwelling unit blocks, removal of a number of trees and ancillary structures and the construction of a RFB incorporating 14 units over two levels of basement car parking.

#### Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a Residential Flat Building (RFB) and is permissible in the zone with development consent.

#### Consultation and submissions

The proposal was notified in accordance with Council's Notification Policy and received eight (8) submissions which are discussed at section 1.3 of this report. Amended plans were received on 28 February 2019 to address a number of concerns raised by the Design Review Panel and issues raised by the immediate neighbours to the proposal in Gipps Street and Marr Street. Whilst the amended plans were not re-notified they were shown informally to the adjacent property owners. No further comments were made in writing however one adjoining owner advised verbally that his concerns about the extent of overshadowing and privacy remained.

#### Main Issues

The main issues arising from the assessment process are:-

- Minor variations to the WDCP 2009 are proposed including basement podium height and apartment choice and mix
- Overshadowing

The variations sought are discussed in detail below and they are considered acceptable having regard to the context of the site. Amended plans have been submitted which reduce basement podium height. The proposal otherwise complies with the applicable development standards and planning controls.

#### Recommendation

It is recommended that the development application be approved subject to the recommended conditions of consent.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

- Wollongong Development Contributions Plan 2017

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

This application seeks consent for:

The demolition of existing multi-unit dwellings and ancillary structures and removal of trees on the site; and the construction of a seven (7) storey RFB containing fourteen (14) units over two levels of basement car parking. Parking for 20 vehicles (17 resident spaces and 3 visitor car spaces), 5 bicycle spaces and 1 motorbike parking space.

The proposed unit mix is 2 x 2 bedroom units and 12 x 3 bedroom units. Nine (9) adaptable units are provided.

Vehicular access to the site is provided via a driveway and ramp from Marr Street. Due to the topography of the site the basement is above existing ground level at the southern side of the site and excavated below ground at the northern end of the site.

Pedestrian access from the street frontage is available from Gipps Street. Stairs to and from the basement carpark also lead to Marr Street.

There is a 202m<sup>2</sup> Deep Soil Zone which varies in width between 1.5m and 5.82m along the southern side boundary of the site. Communal open space is provided around the base of the building at ground level. Private open space is provided for the two ground floor units in the form of courtyard terraces and private open space for units at levels 2 – 7 is provided in the form of balconies.

Five (5) existing trees are proposed to be removed to facilitate the proposed development. Street tree planting and other public domain works will be required to be carried out by the developer in accordance with the Public Domain Technical Manual.

### 1.1 BACKGROUND

Application	Description	Date Approved
TMO-2012/755	Remove 1 tree	7 June 2012
TMO-2009/1661	Remove 4 trees	4 December 2009

BC-1992/1449	Brick And Tile Units.	6 January 1993
BA-1987/1577	Student Townhouses	27 July 1987
DA-1981/840	12 Flats	8 October 1982
BC-1954/481	Garage & Laundry	16 June 1954

#### Pre-lodgement Meetings

No pre-lodgement Meeting was held for the proposal.

#### Customer service actions

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

### **1.2 SITE DESCRIPTION**

The site is located at 11 Gipps Street WOLLONGONG (also known as 4 Marr Street) and the title reference is Lot 1 DP 620055.

The site is regular in shape and has a fall of 3.6m from the north west corner (Gipps Street frontage) to the south eastern corner (Marr Street Frontage).

Adjoining development is as follows:

- North: Gipps Street
- South: Single storey dwelling
- East: Marr Street
- West: Single storey dwelling

The site is approximately 1.3km south east of North Wollongong Railway Station and 1.6km to Wollongong Railway Station. The site has good access to public open space and recreation areas being in close proximity to North Wollongong Beach, Wollongong Harbour and Stuart Park.

The locality is characterised by residential development comprising a mix of residential flat buildings, townhouse developments and older single dwellings.

#### Property constraints

- Council records identify the land as being impacted by acid sulphate soils.
- Council records identify the land as being located within the Coastal zone. No impacts are expected on the coastal environment as a result of the development and there are no coastal hazards that affecting the land which would preclude the development.
- The site is adjacent to heritage items (discussed later in this report)

Reference to the deposited plan indicates that there are no restrictions on the title.

### **1.3 SUBMISSIONS**

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. Eight (8) submissions were received and the issues identified are discussed below.

Concern	Comment
1. Parking/Traffic	Concerns are raised that insufficient parking is provided as the surrounding street are heavily parked and additional dwelling will increase traffic congestion.

Concern	Comment
	Wollongong is identified as a nominated regional centre within Table 3 of Section 3J of the ADG, car parking for the development is provided in accordance with the provisions of RMS Guide not WDCP2009. If the application was to provide for additional parking above this level it would be included as gross floor area causing the development to exceed FSR.
2. Waste collection	Concerns are raised that insufficient bins are provided and that there will be conflict between bins and cars on collection day. The basement provides for a waste storage room for 11 bins. There is sufficient street frontage for these binds to be wheeled to the kerb for collection.
5. Height	The proposal is compliant with the height controls of WLEP 2009.
6. Heritage	Some submissions indicate concern about the impact on the heritage value of the row of Canary Island Date Palms in Gipps Street. The applicant has submitted a Heritage Report that finds there will be no impact on the subject palms noting that there are no palms located within 25m of the site. The report also finds that there will be minimal impact on the heritage listed dwelling at 13 Gipps Street known as 'Innesfallen'.
7. Privacy	Concerns raised in relation to location of communal open space and potential privacy impacts. Notwithstanding that the communal open space wraps around the south western corner of the building it is considered that sufficient landscape buffers are provided to protect the amenity of adjacent residential dwellings.
8. Overshadowing	<p>Concerns raised that the shadow diagrams are misleading and that overshadowing will adversely impact adjoining properties to the south.</p> <p>Accompanying the amended plans were revised shadow diagrams that show shadow impacts in midwinter and also the autumn and spring equinoxes.</p> <p>The Shadow diagrams confirm that there will be significant overshadowing of the adjoining property in midwinter up until 2pm when the rear yard of the adjoining dwelling will have access to afternoon sun. The overshadowing impacts are unavoidable given the nature of the zoning and the east/west orientation of lots which impacts on the extent of shadow cast. Given the zoning and setting it is envisaged that any future development on the adjacent sites to the south would be high density development in the form of residential flat buildings designed to meet ADG solar access requirements.</p>
9. Location of pedestrian access to basement	The original plans proposed pedestrian access adjacent to the frontage of No. 13 Gipps Street, which was of concern to the adjacent resident. The amended plans have relocated this access to the south western corner of the site.
10. Out of Character	<p>Some submissions state that the height and density of the development is out of character with the area.</p> <p>The proposal is permitted in the zone and of an appropriate scale and design which is considered consistent with the character of the streetscape.</p>

Concern	Comment
11. Visual impact of retaining wall (basement)	Concern has been raised that the basement wall on the western side will result in an adverse visual impact. This issue was raised with the applicant who has submitted amended plans that reduce the height of the basement wall adjoining No.13 Gipps Street and increasing the side boundary setback to allow screen planting.

## 1.4 CONSULTATION

### 1.4.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Traffic, Landscape, Environment and Heritage officers have reviewed the application providing satisfactory referrals. These include recommended conditions of consent which are included as part of **Attachment 7**.

### 1.4.2 EXTERNAL CONSULTATION

#### Design Review Panel

The proposal was considered by the Wollongong Design Review Panel (DRP) on 1 November 2018. The following conclusion and key recommendations were provided by the DRP:

The proposal needs to address a number of issues including:

- The relationship with the ground plane as seen from the public domain.
- The interface with the property to the south at No. 6 Marr Street.
- The finessing of the elevations to achieve a more balanced composition.
- The basement footprint beyond the building footprint.
- The lack of a strong and well-designed landscape strategy.
- The representation of potential overshadowing impacts to existing or future developments to the south without the existing vegetation.
- Avoidance of any car parking in street landscaped setback areas.
- Reconsideration of COS provision optimising amenity.

A full copy of the DRP notes is provided at **Attachment 3**.

On 28 February the applicant submitted amended plans together with a written response to the matters raised by the DRP. The amended plans are considered to have provided a satisfactory response to the matters raised by the panel. The applicant's response to each of the above matters is provided at **Attachment 4**.

The development as amended is considered to exhibit design excellence as required by Clause 7.18 of Wollongong Local Environmental Plan (LEP) 2009 and responds appropriately to the design quality principles of SEPP 65.

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site. Council's Environmental Officer has reviewed the proposal and found it satisfactory. A desktop audit reveals that site has been historically occupied by residential land uses with no known historic use that would contribute to the contamination of the site. The proposal does not comprise a change of use and further investigation of potential contamination is considered to be unwarranted. No concerns are raised in regard to contamination as relates to the intended residential use of the land.

The site is considered to be suitable for the proposed development with regard to clause 7 of this policy subject to conditions.

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

The development meets the definition of a 'RFB' as it is more than 3 storeys and comprises more than 4 dwellings and accordingly the provisions of SEPP 65 apply. The application is accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000.

The proposal has been considered by Council's Design Review Panel in accordance with Clause 28 and Schedule 1 of the SEPP.

Schedule 1 is discussed below pursuant to clause 28(2)(a) of the SEPP.

#### **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 neighbourhood character is changing as sites are redeveloped in accordance with the development potential afforded by the zoning under WLEP 2009. . The existing character of development in the locality comprises a variety of building types including one and two storey dwellings and some medium density housing development including walk-up flats and recently developed RFBs up to 7 storeys in height. The current proposal is of similar scale to those recently developed in Marr Street, is consistent with the development standards and controls applicable to the land and is considered to respond appropriately to the site conditions. The proposal will provide a positive contribution to the streetscape and is consistent with the desire future character of the area.

## **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.*

Whilst the development is significantly larger than the immediately adjoining residential properties being single storey dwellings, the bulk and scale of the development is consistent with the applicable planning controls for the area.

The scale of the development is likely to give rise to some impacts on neighbouring properties. As discussed above under Principle 1, the shadow diagrams submitted with the application indicate overshadowing of the properties to the south. These shadow impacts are considered unavoidable given the orientation of the site.

In terms of privacy impacts, the building setbacks are compliant and provide for reasonable and compliant separation between the proposed building and that neighbouring buildings. Boundary setbacks assist in minimising opportunities for overlooking towards the neighbouring dwellings. The boundary planting proposed will also provide appropriate screening.

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

## **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 and building height permitted for the land. The development is not of a scale that is expected to place unreasonable strain on local infrastructure. Contributions applicable to the development will go towards local infrastructure and facilities. The site is well situated with regard to existing public open space and services and residents will enjoy good amenity.

## **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 with regard to sustainable design as follows:-

- BASIX Certificates have been provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan have been provided indicating appropriate management and disposal of materials from the demolished town houses.

- The development has been appropriately designed with regard to solar access and natural ventilation.
- The proposal is an efficient use of land in a location that is close to services, employment and public open space.

### **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 provides suitable landscaped areas and communal open space that will improve the amenity of the occupants, soften the appearance of the development from adjoining properties and the public domain and offer opportunities for some urban habitat and infiltration of stormwater. Conditions are proposed to provide street tree planting.

### **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 provides for compliant building setbacks to boundaries as required by the ADG in order to provide for equitable sharing of building separation distances with neighbouring sites when subject to future redevelopment (refer to the ADG assessment at **Attachment 5**).

The proposal satisfies the requirements for solar access, private and communal open space, storage, visual and acoustic privacy, access and the like for future occupants of the development. In terms of potential off-site impacts on neighbours, the shadow diagrams submitted with the application indicate overshadowing of the properties to the south particularly during mid-winter. Given the provision of otherwise compliant setbacks and given allowable building heights and densities within the R1 General Residential zone, the extent of overshadowing impact is not considered to be unreasonable.

### **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 proposal is satisfactory with regard to safety and security and is generally consistent with the principles of Crime Prevention through Environmental Design. Refer to discussion below in relation to Chapter E2 of WDCP 2009.

**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.*

Three (3) apartment types are provided ranging from 93m<sup>2</sup> to 123m<sup>2</sup> and configured as 2 and 3 bedroom units. Notwithstanding that WDCP 2009 requires RFB’s having ten (10) or more dwellings, to provide a minimum of 10% of the apartments as one bedroom and/or studio apartments, the proposal provides a mix of unit sizes and layouts appropriate to the locality.

**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 proposal is considered to be of a high quality with regard to its appearance. A mixture of materials and finishes is provided and the bulk of the development is suitably articulated. Appropriate treatment of the streetscape is proposed having regard to the character of development in the locality. The proposal has been amended in response to the suggestions provided by the Design DRP and is now acceptable.

An assessment of the application against the ADG is contained within **Attachment 4** to this report.

**2.1.3 STATE ENVIRONMENTAL PLANNING POLICY – COASTAL MANGEMENT**

The proposal is satisfactory with regard to the aims this policy outlined in Clause 3 and the matters for consideration outlined at Clause 14 Coastal Use Area as follows:

14 Development on land within the coastal use area

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration	Comment
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The proposal is not expected to have any unreasonable negative impacts on the coastal environment and is consistent with the objectives outlined in Clause 2.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The proposal will not affect access to the coastal foreshore.
(iii) the visual amenity and scenic qualities of the coast,	The site is not in immediate proximity to the coastal foreshore nor expected

including coastal headlands	to adversely impact on visual amenity of the coast.
(iv) Aboriginal cultural heritage, practices and places,	The proposal is not affected by aboriginal heritage.
(v) cultural and built environment heritage, and	The proposal is not expected to detrimentally affect the coastal foreshore.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

Matters for consideration	Comment
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	No adverse impacts are expected as a result of the proposal.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal is not expected to impact on or be affected by any coastal processes or hazards.
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The proposal is not expected to result in any conflicts between land and water based coastal activities.
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposal is considered to be in keeping with the desired future character of the area.

#### 2.1.4 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.

#### 2.1.5 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 R1 General Residential.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; **Residential Flat Building**; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage*

The proposal is categorised as a **Residential Flat Building** as defined below and is permissible in the zone with development consent.

#### Clause 1.4 Definitions

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

### **Part 4 Principal development standards relevant to the proposal**

#### Clause 4.3 Height of buildings

The proposed building height of 23.56m does not exceed the maximum of 24m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 1.5:1

Site area: 1166m<sup>2</sup>

GFA: 1747.5m<sup>2</sup>

FSR:  $1747.5/1166 = 1.498:1$

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

#### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewerage.

#### Clause 7.3 Flood planning area

The land is not identified as being flood affected.

#### 7.5 Acid Sulfate Soils

Council records identify the land as being impacted by Class 5 acid sulfate soils. The trigger for approval of works within Class 5 is “works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.”

Although with 500m of Class 3 acid sulphate soils, the proposed works involve excavation to RL19.16 which is well above RL-5 AHD and accordingly an acid sulfate soils management plan is not required. The Geotechnical investigation carried out on behalf of the applicant stated that “the results of field investigation and laboratory testing indicate that acid sulfate soils are not present on the site.”

#### 7.6 Earthworks

Earthworks associated with the proposal are essentially excavation for basement car parking.

Council’s Geotechnical engineer has advised that the geotechnical report dated 3 September 2018 by Douglas Partners has been reviewed with a site inspection and comparison with known geotechnical studies for the general area. It is considered the report provides a good description of

site conditions and the recommendations of the consultant are appropriate for the proposed development. Appropriate conditions of consent can be imposed.

#### Clause 7.14 Minimum site width

In accordance with Clause 7.14(2), consent must not be granted for development for the purposes of a RFB unless the site area on which the development is to be carried out has a dimension of at least 24 metres. The site complies in this respect, with street frontages of 25.986m to Marr Street and 37.245m to Gipps Street.

#### 7.18 Design Excellence

This clause applies to land within the Wollongong City Centre and states that:

*(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*

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,*
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) whether the proposed development detrimentally impacts on view corridors,*
- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,*
- (e) how the proposed development addresses the following matters:*
  - (i) the suitability of the land for development,*
  - (ii) existing and proposed uses and use mix,*
  - (iii) heritage issues and streetscape constraints,*
  - (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,*
  - (v) bulk, massing and modulation of buildings,*
  - (vi) street frontage heights,*
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
  - (viii) the achievement of the principles of ecologically sustainable development,*
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*
  - (x) impact on, and any proposed improvements to, the public domain.*

The proposed RFB has been assessed in relation to the above criteria. The proposed development is situated in a locality which is undergoing redevelopment with a number of RFBs replacing older, single dwelling houses. The subject development complies with the development potential allowed in the R1 General Residential Zone in terms of FSR and height.

The proposed development has been reviewed by the Design Review. The Panel noted that the area surrounding the proposal is in transition and agreed that the proposal is responding to the evolving rather than the existing character, which is the desired outcome by the controls. However the panel concluded that the proposal needed to address a number of issues including:

- The relationship with the ground plane as seen from the public domain.
- The interface with the property to the south at No. 6 Marr Street.
- The finessing of the elevations to achieve a more balanced composition.

- The basement footprint beyond the building footprint.
- The lack of a strong and well-designed landscape strategy.
- The representation of potential overshadowing impacts to existing or future developments to the south without the existing vegetation.
- Avoidance of any car parking in street landscaped setback areas.
- Reconsideration of COS provision optimising amenity.

Amended plans have been submitted to address the above concerns and it is considered that the proposed development meets the relevant requirements of Clause 7.18 in terms of design excellence. A summary of the applicant's response to the DRP comments is provided at **Attachment 4**.

## **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) clause 7.18 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 proposed RFB meets the above objectives particularly objectives d), e) and f) by providing a high quality residential development which contributes to the housing choice available within the city centre.

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

Not 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 development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. The full table of compliance can be found at Attachment 4 to this report.

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

The applicant has sought variations in respect of:-

- Housing Choice and Mix (clause 6.2 of Chapter D13 Wollongong City Centre)

## 6.2.2 Development Controls

- b) To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:
- Studio and one bedroom units must not be less than 10% of the total mix of units within each development,
  - Three or more bedroom units must not be less than 10% of the total mix of units within each development.

### Variation Request

Clause 6.2.2 of Chapter D13: Wollongong City Centre specifies that a minimum of 10% of apartments must be studio or one bedroom and a minimum of 10% of the apartments must be three bedroom. The objectives of this control are to "Ensure that residential development provides a mix of dwelling types and size to cater for a range of household types:"

The development contains a total of 14 units, comprising 2 x 2 bedroom units (14%) and 12 x 3 bedroom units (86%). No one bedroom or studio apartments are proposed. Therefore, the minimum number of 2 and 3 bedroom apartments required is met, however variation is sought as the required 10% of one bedroom apartments is not met.

Variation is sought to enable the development to most effectively target the over 55 age demographic (with a higher entry price level and a requirements for more than one bedroom), which has been confirmed as the prevalent occupiers of a number of 'typical' developments undertaken by Derwent Properties in the North Wollongong precinct (as shown in Table 9 below). The provision of and increased number of 3 bedroom apartments in this location will be offset by the increased provision of 1 bedroom apartments with the B3 Commercial Core and B4 Mixed Use zones on the periphery of the Wollongong CBD. Within the inner-city location, the market has a higher representation of singles, younger couples and investors.

Table 9: Summary of Purchasers

Typical Developments by Derwent Property Pty Ltd & Associate Companies

Property	Owner/ Occupier		Over 55		Total Units
32-34 Church St	28	82.3%	30	88.2%	34
28 Church St	24	75%	21	65.6%	32
25-29 Harbour St	21	95.5%	17	77.5%	22
17-23 Harbour St	17	94.1%	16	94.1%	17
<b>AVERAGE</b>	<b>89</b>	<b>84.7%</b>	<b>84</b>	<b>80%</b>	<b>105</b>

### Comment:

It is noted that the ADG does not provide proscriptive requirements in regard to apartment mix. Rather, it requires that a range of apartment types be provided taking into consideration:

- Distance to public transport, employment and education centres
- The current market demands and project future demographic trends
- The demand for social and affordable housing
- Different cultural and socioeconomic groups

Council has consistently applied the ADG design guidance provisions and the applicant has addressed these and has demonstrated a market demand for predominately 3 bedroom apartments in this locality. The variation to Council's DCP control are therefore considered acceptable with regard to the current proposal

See **Attachment 6** for a full assessment against the provisions of Wollongong Development Control Plan 2009.

### 2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is >\$100,000 (\$4,426,075) and a levy of 1% is applicable under this plan as the threshold value is \$200,000.

### **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 affects 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?

Not applicable

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

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

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Submissions raised following notification would not preclude the development.
- Internal referrals are satisfactory subject to appropriate conditions of consent

#### Context and Setting:

The proposal is appropriate with regard to its context with regard to matters including overshadowing, privacy concerns, bulk, scale, height and setbacks. The development will result in some overshadowing of the adjoining dwellings to the immediate south of the site, as expected. This is not however considered unacceptable given the circumstances of the case as the development is within the allowable height and FSR for the site and having regard to the orientation of the land.

Context and neighbourhood character have been addressed above in relation to SEPP 65 and the development is considered to be acceptable in this regard. It is noted that the area is one in transition and whilst the development may not reflect the scale and design of current developments nearby, it does reflect the character of more recent development including that approved for the neighbouring site and is acceptable with regard to the desired future character of the neighbourhood reflected in the applicable planning controls.

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

#### Access, Transport and Traffic:

The proposal is satisfactory with regard to carparking, access and traffic matters.

#### Public Domain:

The proposal will not have an adverse impact on the public domain. Appropriate conditions of consent are recommended to address required public domain works.

#### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are likely to be capable of augmentation to service the proposal. If approved, conditions should be imposed on the consent requiring the developer to make appropriate arrangements with the relevant servicing authorities prior to construction. The applicant has advised that enquiries with Endeavour Energy indicate that a pad mounted substation is not required for the development.

#### Heritage:

The likely impact on heritage items being canary island date palms in Gipps Street (Item No 6512) and the dwelling at 13 Kembla Street (Item No.6585) have been addressed in a Statement of Heritage Impact prepared by Austral Archaeology. The report concludes that the development will not impact directly on the heritage items. Council's heritage officer has some reservations about potential impacts on the heritage dwelling and suggest that the development be stepped down on the northern elevation to better relate to the scale of the single storey heritage item. This however is considered unreasonable given the prevailing height controls in the vicinity of the heritage item (24m on southern side of Gipps Street and 32m on northern side of Gipps Street) and the presence of recently developed RFBs in close proximity to the heritage items.

#### Other land resources:

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

Water:

The site is presently serviced by Sydney Water's reticulated water and sewerage services. It is expected that these services can be extended/ augmented to meet the requirements of the proposed development.

The proposal is not envisaged to involve unreasonable water consumption. The BASIX certificates provided in relation to the residential units demonstrate compliance with the water efficiency targets contained within the BASIX SEPP.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. Conditions are recommended.

Air and Microclimate:

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

Flora and Fauna:

The landscape plan makes provision for landscaping within the deep soil zone and within other landscaped areas throughout the development as well as street tree planting. The proposed planting is considered to provide an appropriate compensation for the removal of on site vegetation required to facilitate the development.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction and compliance with the site waste management and minimisation plan provided with the DA.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. The BASIX certificates provided demonstrate compliance with the energy efficiency and thermal comfort targets of the BASIX SEPP.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

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

Council records list the site as acid sulphate soil affected (Class 5). An Acid Sulfate Soils Management Plan is not required.

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

No adverse social impacts are considered likely to arise from the proposed development.

Economic Impact:

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

Site Design and Internal Design:

The application does not result in any departures from development standards and changes to the design have been carried out in response to the DRP comments.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction:

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

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Eight (8) submissions have been received in respect of the proposal. These raise concerns in relations to matters including privacy, traffic, overshadowing, parking, height and setbacks. An assessment of the proposal indicates that it is compliant with the statutory controls and the impacts on adjoining properties are within acceptable limits.

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

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

**3 CONCLUSION**

---

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979,

The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009 and SEPP 65, ADG, Council DCPs, Codes and Policies. The design of the development is appropriate with regard to the controls outlined in these instruments.

The proposal involves minor variations to apartment mix under clause 6.2 of Chapter D13 WDCP2009. A variation request statement and justification has been provided for the non-

compliance in accordance with Chapter A1 of WDCP2009. The variation has been considered and are supported in this instance.

Internal referrals are satisfactory and submissions have been considered in the assessment. It is considered that the proposed development has otherwise been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area

#### **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the draft conditions of consent at Attachment 5.

#### **5 ATTACHMENTS**

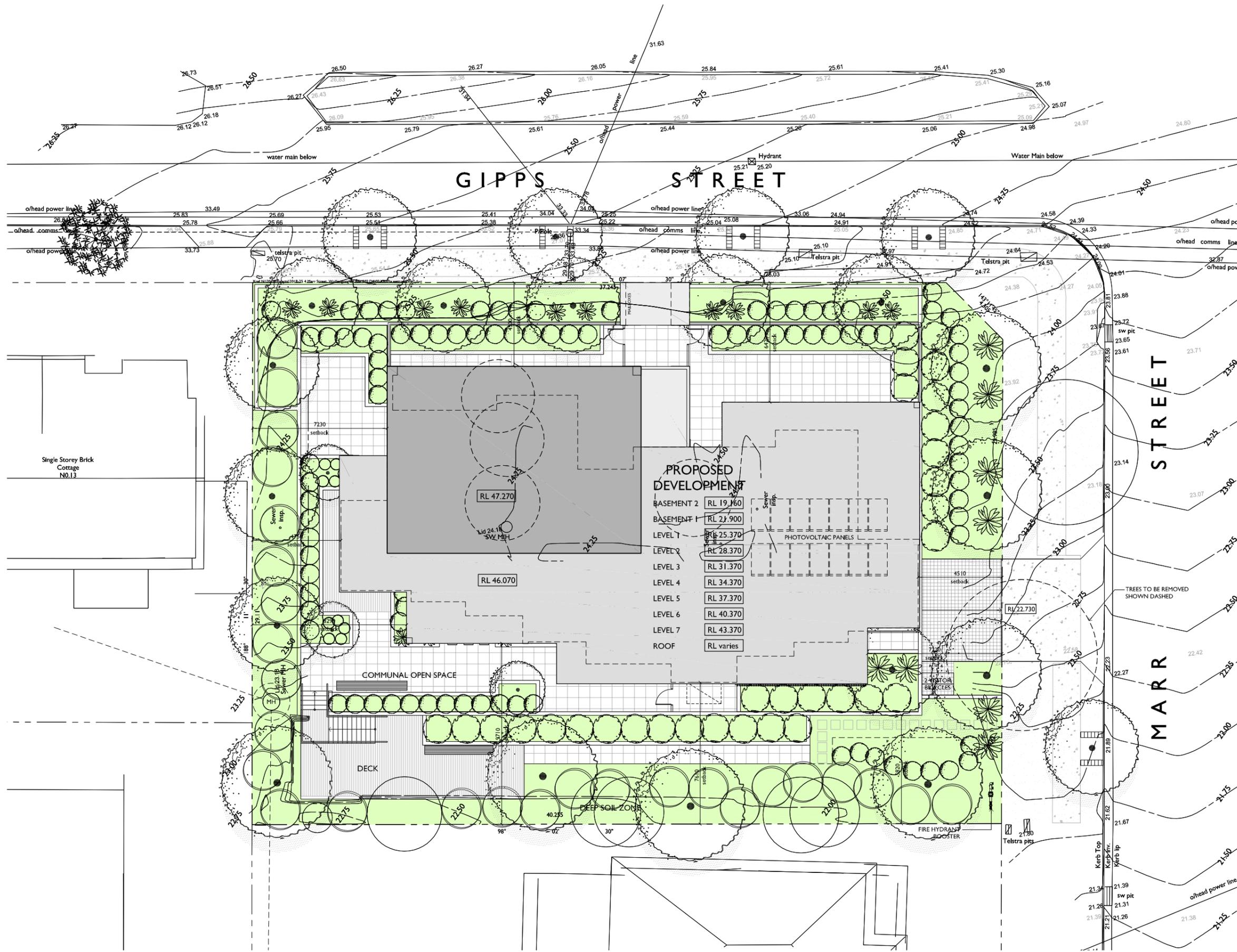
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- 1 Plans
- 2 Aerial photograph and WLEP 2009 zoning map
- 3 Design Review Panel Notes
- 4 Applicant's response to DRP comments
- 5 Apartment Design Guide Assessment
- 6 Wollongong DCP 2009 Assessment
- 7 Draft conditions

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### 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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Project  
 PROPOSED APARTMENT BUILDING  
 COMPRISING OF 14 RESIDENTIAL APARTMENTS  
 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
 DERWENT PROPERTY  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 SITE PLAN

Scale 1:100 @ A1 1:200 @ A3	Date FEBRUARY 2019
Drawn	Checked

DP SP

Project No. 2018-25	Drawing No. A-101	Issue B
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 Pty Ltd.

Title  
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- 1 TIMELESS GREY WALLING
- 2 DULUX VIVID WHITE CONCRETE UPTURNS AND SLAB EDGES
- 3 DULUX WESTERN MYALL WALLING
- 4 LARGE FORMAT PORCELAIN TILING TILED WALLING
- 5 TIMBER LOOK ALUMINIUM SCREENING
- 6 CLEAR GLAZING GLAZING ELEMENTS AND BALUSTRADES
- 7 POWDERCOAT SILVER PEARL DOOR AND WINDOW FRAMES, HANDRAILS, AND PALISADE FENCING

## COLOUR AND MATERIALS SCHEDULE



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Title  
 DEVELOPMENT APPLICATION  
 COLOUR AND MATERIALS SCHEDULE

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 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
 DERWENT PROPERTY  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 EAST ELEVATION

Scale 1:100 @ A1 1:200 @ A3	Date FEBRUARY 2019
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Project No. 2018-25	Drawing No. A-202	Issue B
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**NORTH ELEVATION**  
GIPPS STREET ASPECT

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 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
**DERWENT PROPERTY**  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 NORTH ELEVATION

Scale 1:100 @ A1 1:200 @ A3	Date FEBRUARY 2019
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Project  
 PROPOSED APARTMENT BUILDING  
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 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
**DERWENT PROPERTY**  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 SOUTH ELEVATION

Scale	Date
1:100 @ A1 1:200 @ A3	FEBRUARY 2019

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2018-25	A-203	B

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At  
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For  
**DERWENT PROPERTY**  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 WEST ELEVATION

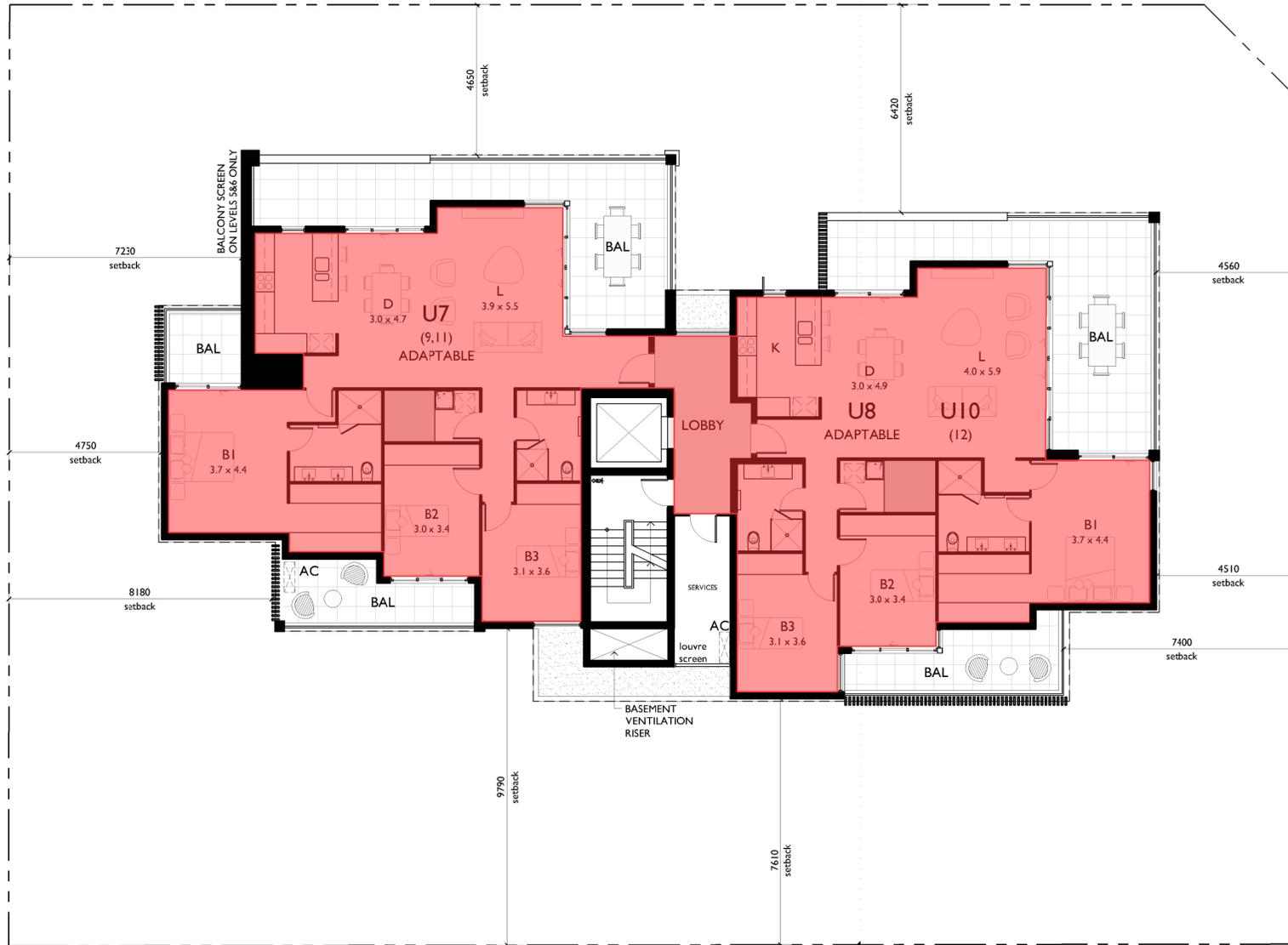
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Project No. 2018-25	Drawing No. A-204	Issue B
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# LEGEND

RESIDENTIAL - 258.1m<sup>2</sup>



## LEVEL 4 - 6 TYPICAL FLOOR PLAN

- LEVEL 4    RL 34.370
- LEVEL 5    RL 37.370
- LEVEL 6    RL 40.370

ISSUE B - 22.02.2019



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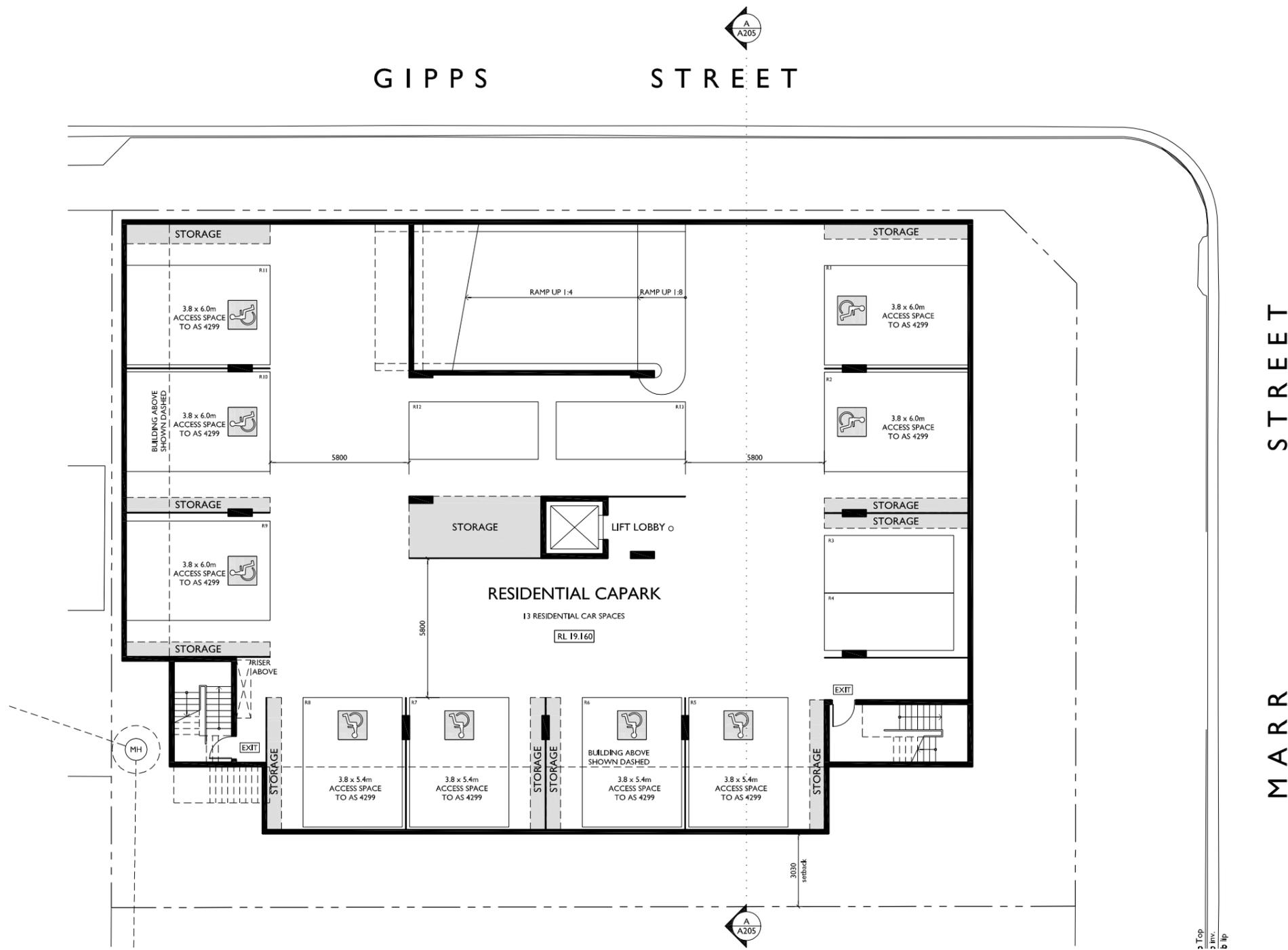
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 OVER BASEMENT CARPARK



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**BASEMENT 2 PLAN**

BASEMENT 2 RL 19.160



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Project  
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 OVER BASEMENT CARPARK**

At  
**4 MARR STREET  
 WOLLONGONG**

For  
**DERWENT PROPERTY  
 Pty Ltd.**

Title  
**DEVELOPMENT APPLICATION  
 BASEMENT 2 FLOOR PLAN**

Scale	Date
1:100 @ A1 1:200 @ A3	FEBRUARY 2019
Drawn	Checked

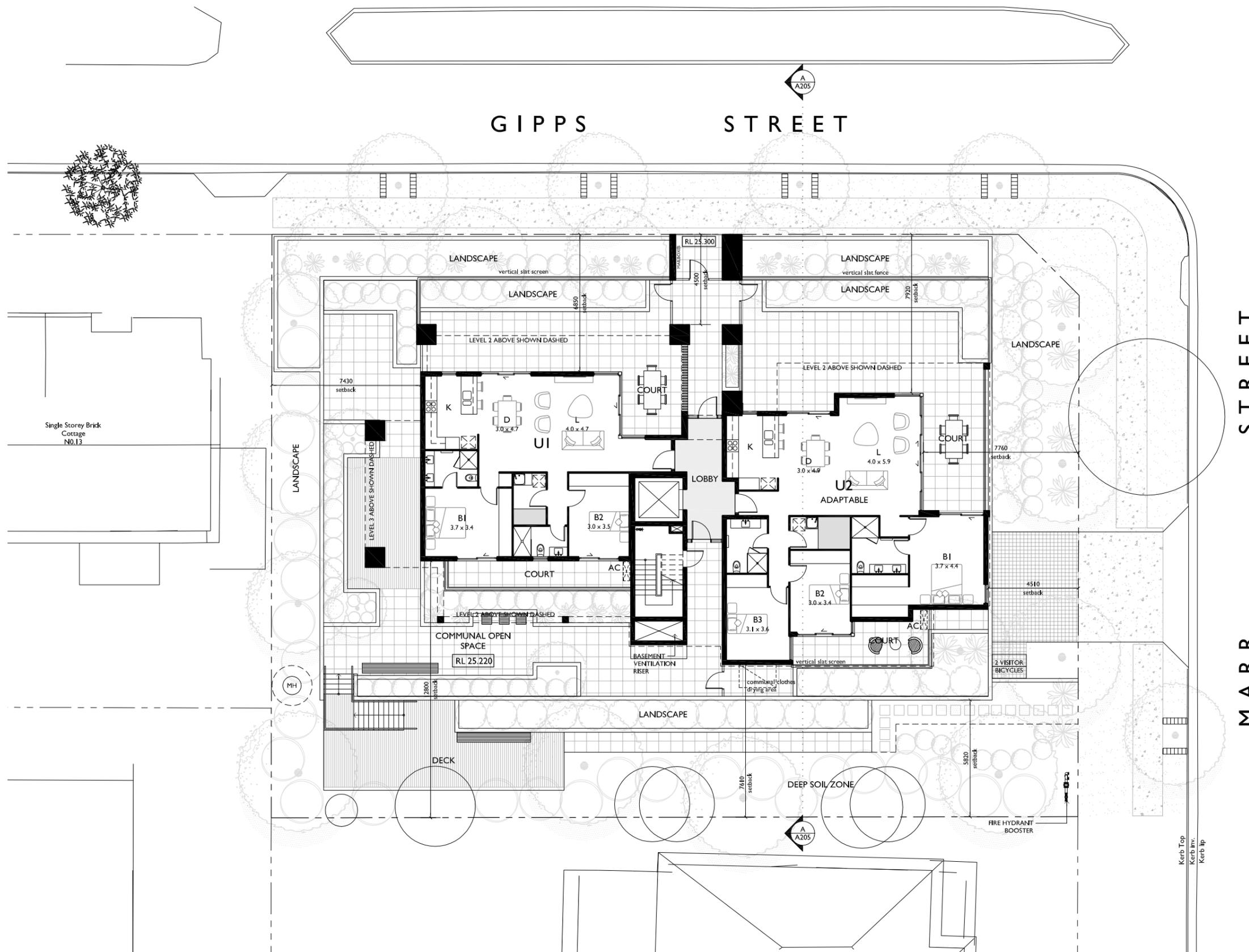
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### LEVEL I FLOOR PLAN

LEVEL I RL 25.370



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At  
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 WOLLONGONG**

For  
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 Pty Ltd.**

Title  
**DEVELOPMENT APPLICATION  
 LEVEL I FLOOR PLAN**

Scale 1:100 @ A1 1:200 @ A3	Date FEBRUARY 2019
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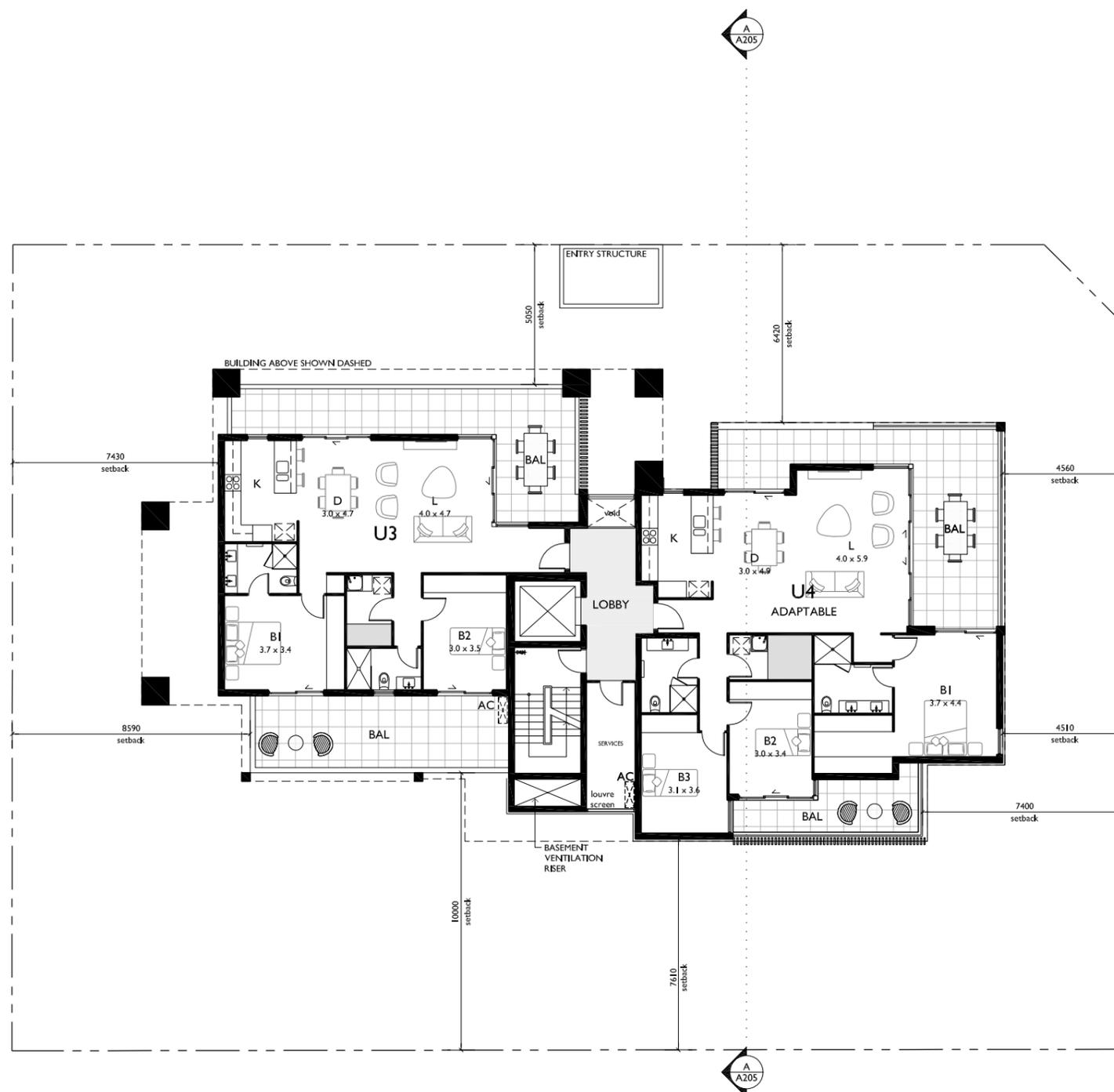
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## LEVEL 2 FLOOR PLAN

LEVEL 2 RL 28.370



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 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
 DERWENT PROPERTY  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 LEVEL 2 FLOOR PLAN

Scale 1:100 @ A1 1:200 @ A3	Date FEBRUARY 2019
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Drawn DP SP	Checked
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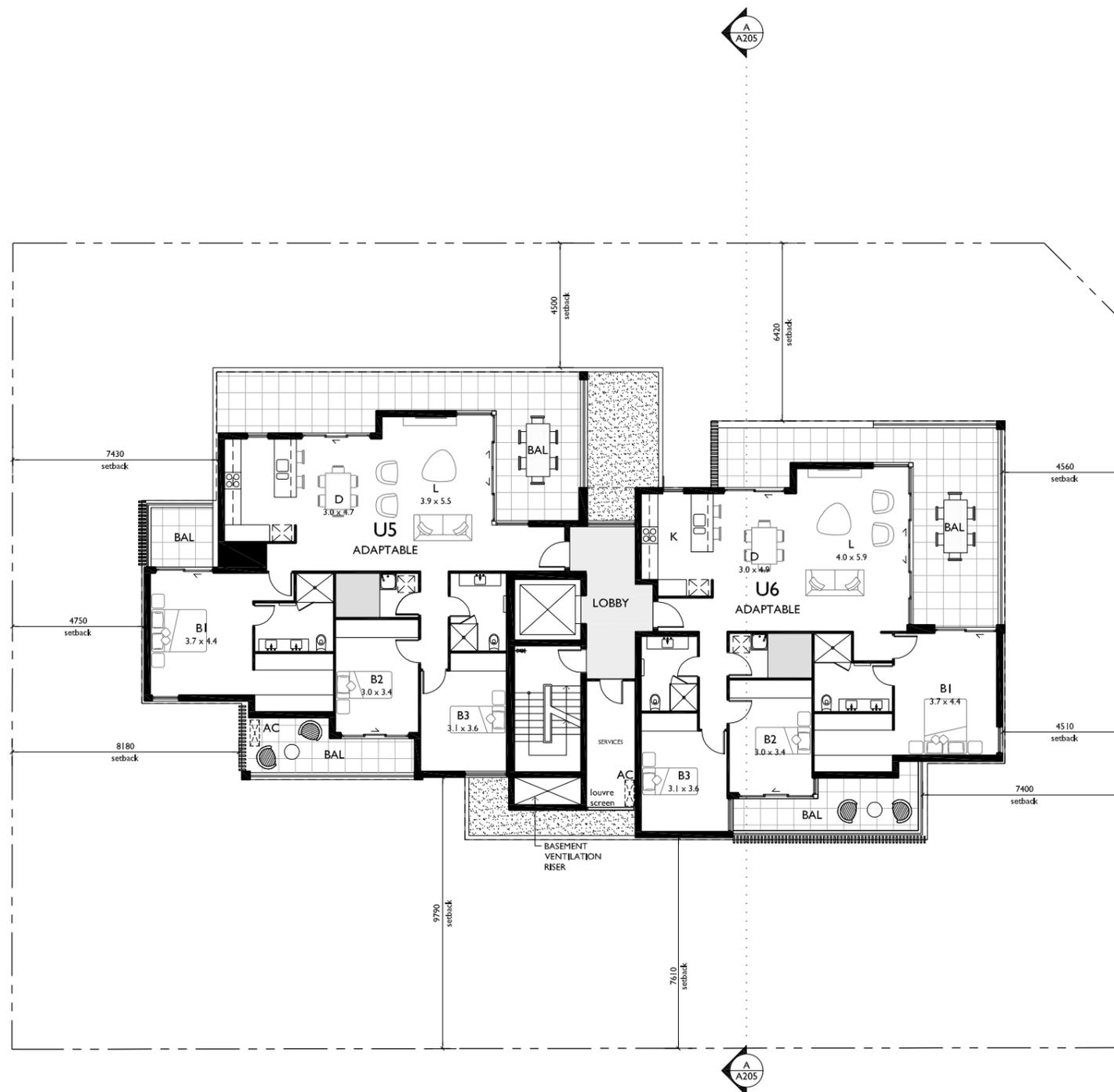
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A	30.08.18	ISSUE FOR DA
B	22.02.19	AMENDED FOR DA

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## LEVEL 3 FLOOR PLAN

LEVEL 3 RL 31.370



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Project  
 PROPOSED APARTMENT BUILDING  
 COMPRISING OF 14 RESIDENTIAL APARTMENTS  
 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
 DERWENT PROPERTY  
 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 LEVEL 3 FLOOR PLAN

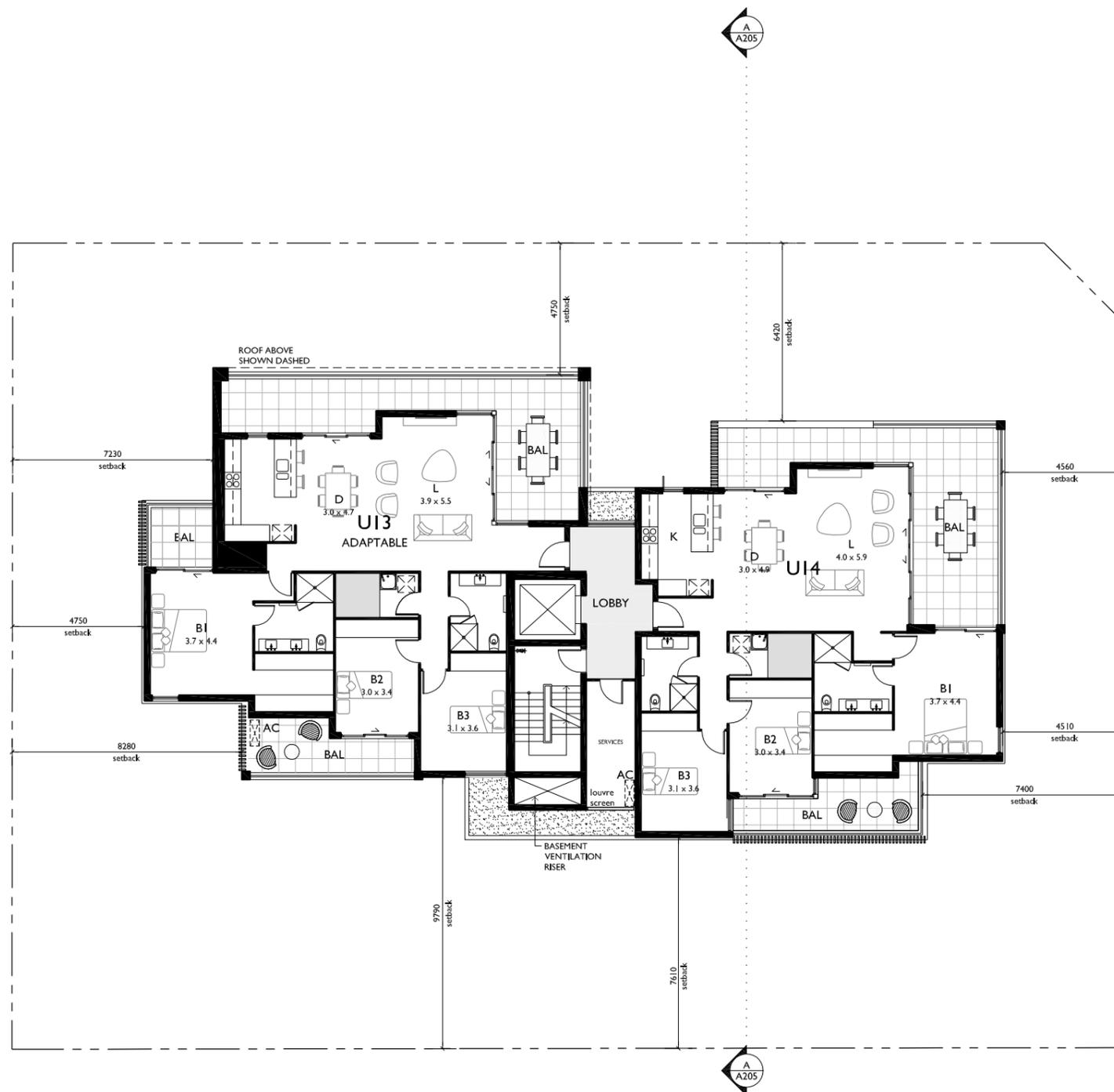
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## LEVEL 7 FLOOR PLAN

LEVEL 7 RL 43.370



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 COMPRISING OF 14 RESIDENTIAL APARTMENTS  
 OVER BASEMENT CARPARK**

At  
**4 MARR STREET  
 WOLLONGONG**

For  
**DERWENT PROPERTY  
 Pty Ltd.**

Title  
**DEVELOPMENT APPLICATION  
 LEVEL 7 FLOOR PLAN**

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Project No. 2018-25	Drawing No. A-107
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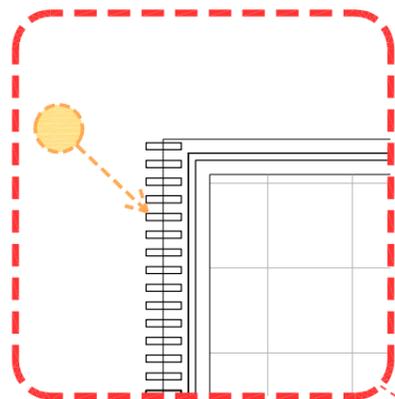
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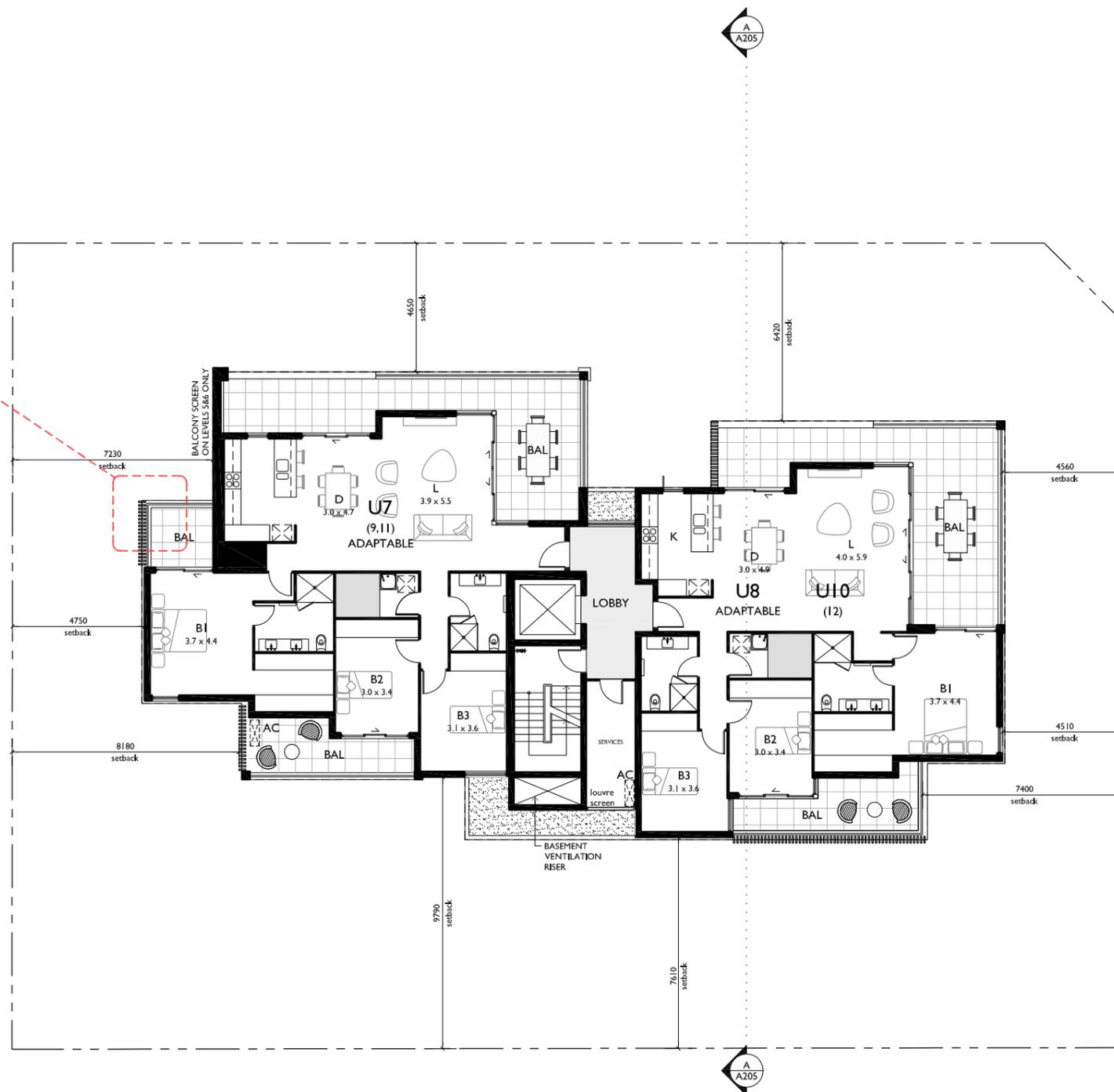
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TYPICAL SCREENING DETAIL

- SCREENING TO DIRECT WESTERN AFTERNOON SUN



LEVEL 4 - 6 TYPICAL FLOOR PLAN

LEVEL 4	RL 34.370
LEVEL 5	RL 37.370
LEVEL 6	RL 40.370



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At  
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 Pty Ltd.

Title  
 DEVELOPMENT APPLICATION  
 LEVEL 4 - 6 TYPICAL FLOOR PLAN

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## CONTEXTUAL STREETSCAPE

FROM GIPPS STREET LOOKING SOUTH WEST TOWARDS SUBJECT SITE

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### LEGEND

EXTENT OF POTENTIAL FUTURE ADJOINING DEVELOPMENT



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 OVER BASEMENT CARPARK**

At  
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For  
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Title  
**DEVELOPMENT APPLICATION  
 CONTEXTUAL STREETSCAPE 01**

Scale	Date
NTS	FEBRUARY 2019

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DP SP	

Project No.	Drawing No.	Issue
2018-25	A-003	B

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**LEGEND**

 EXTENT OF POTENTIAL FUTURE ADJOINING DEVELOPMENT



**CONTEXTUAL STREETSCAPE**

FROM GIPPS STREET LOOKING SOUTH EAST TOWARDS SUBJECT SITE



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Project  
**PROPOSED APARTMENT BUILDING  
 COMPRISING OF 14 RESIDENTIAL APARTMENTS  
 OVER BASEMENT CARPARK**

At  
**4 MARR STREET  
 WOLLONGONG**

For  
**DERWENT PROPERTY  
 Pty Ltd.**

Title  
**DEVELOPMENT APPLICATION  
 CONTEXTUAL STREETSCAPE 02**

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## CONTEXTUAL STREETSCAPE

FROM MARR STREET LOOKING NORTH TOWARDS SUBJECT SITE

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### LEGEND

EXTENT OF POTENTIAL FUTURE ADJOINING DEVELOPMENT



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Project  
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 OVER BASEMENT CARPARK

At  
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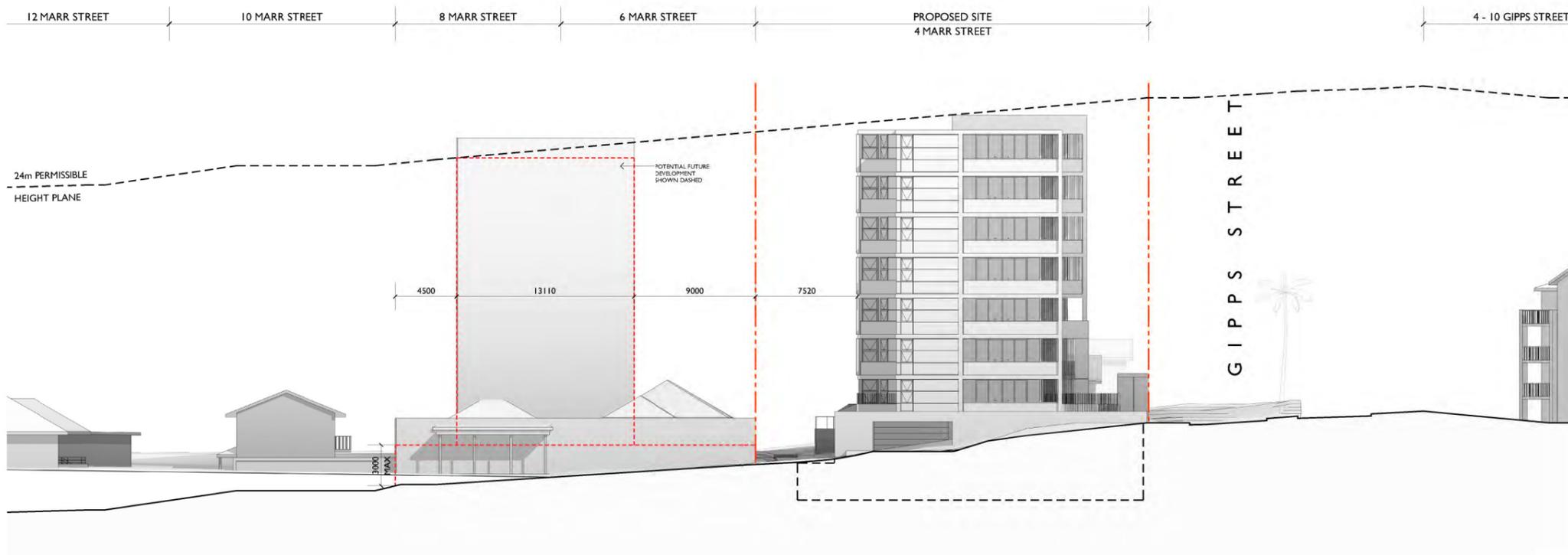
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 CONTEXTUAL STREETSCAPE 03

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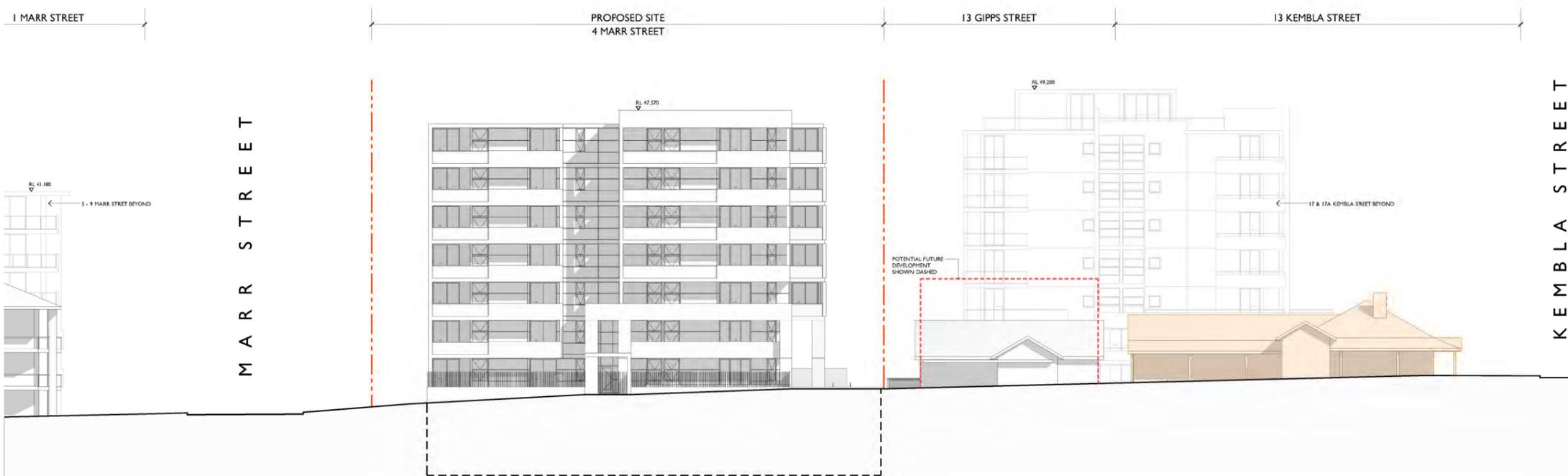
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**STREETSCAPE ELEVATION**  
MARR STREET ASPECT



**STREETSCAPE ELEVATION**  
GIPPS STREET ASPECT

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Project  
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 OVER BASEMENT CARPARK

At  
 4 MARR STREET  
 WOLLONGONG

For  
**DERWENT PROPERTY**  
 Pty Ltd.

Title  
**DEVELOPMENT APPLICATION**  
 CONTEXTUAL STREETSCAPE ELEVATION

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Project No.	Drawing No.	Issue
2018-25	A-007	B



01 - 17 & 17a KEMBLA STREET



02 - 15 KEMBLA STREET



03 - 13 KEMBLA STREET



04 - 13 GIPPS STREET



05 - 20 GIPPS STREET

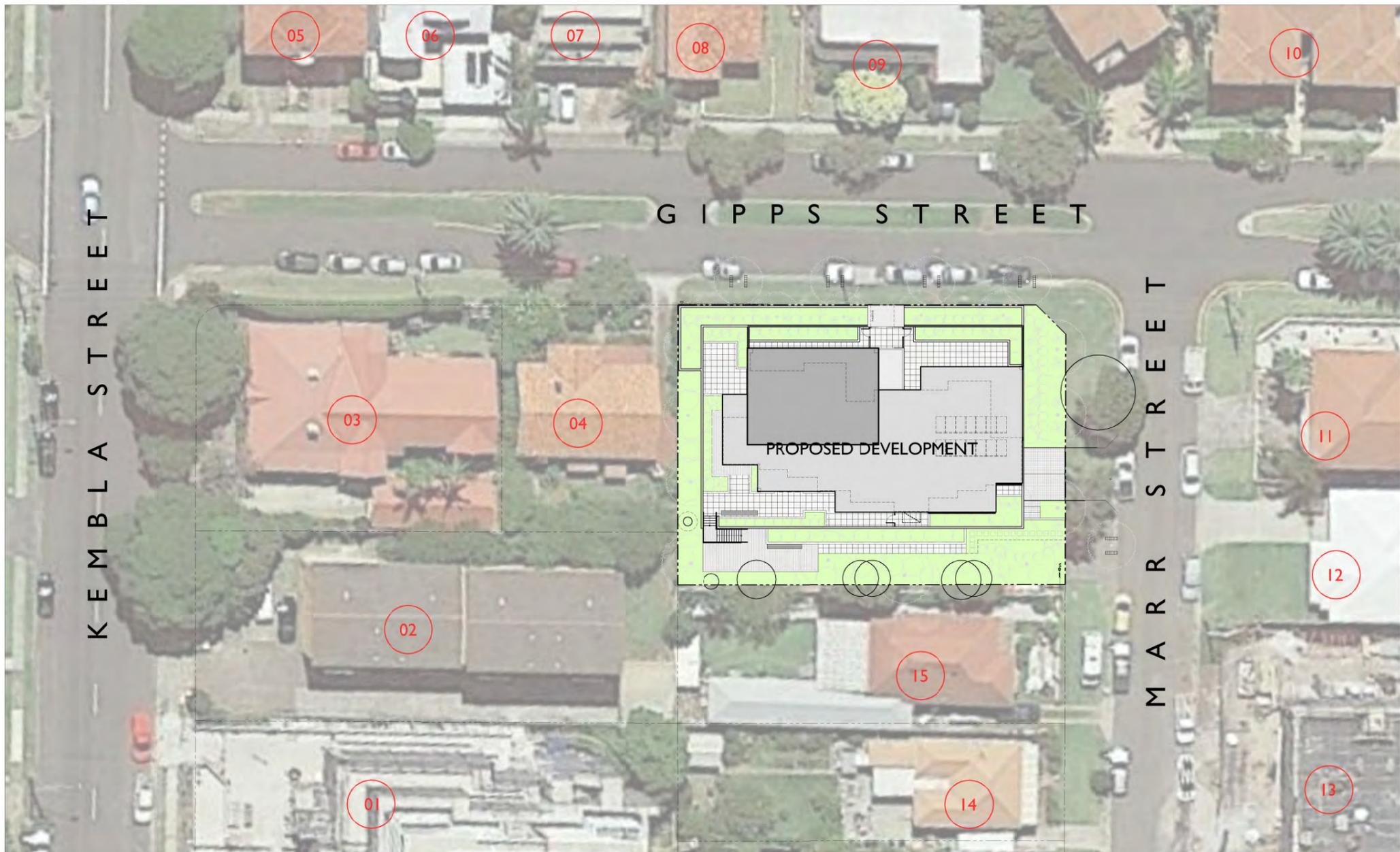


06 - 18 GIPPS STREET

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07 - 16 GIPPS STREET



08 - 14 GIPPS STREET



09 - 12 GIPPS STREET



10 - 4-10 GIPPS STREET



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At  
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For  
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Pty Ltd.

Title  
DEVELOPMENT APPLICATION  
CONTEXTUAL SITE PLAN ANALYSIS

Scale NTS Date FEBRUARY 2019

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Project No. 2018-25 Drawing No. A-006 Issue B

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# CONTEXTUAL SITE PLAN ANALYSIS



15 - 6 MARR STREET



14 - 8 MARR STREET



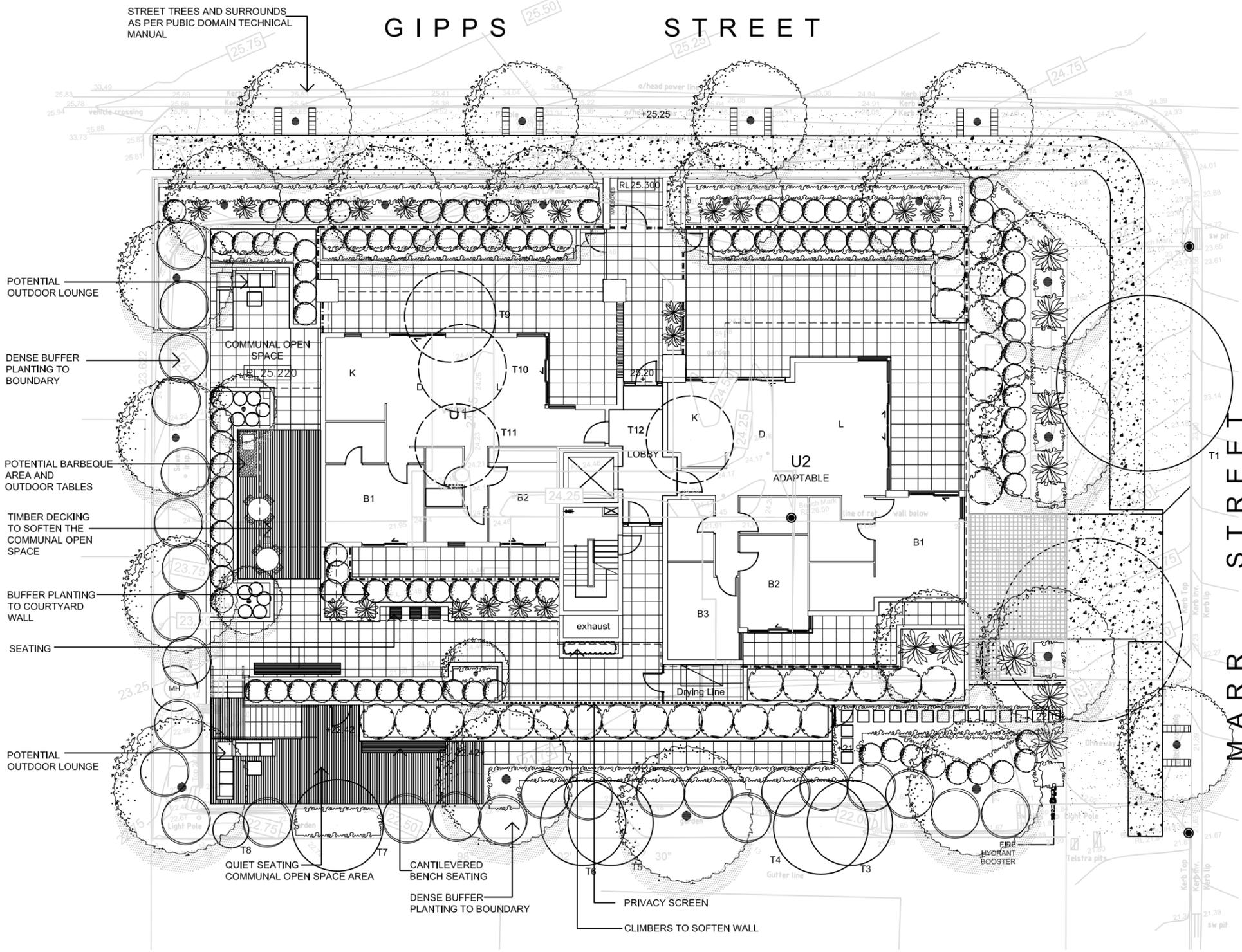
13 - 5 - 9 MARR STREET



12 - 3 MARR STREET



11 - 1 MARR STREET



**RECOMMENDED PLANT SPECIES LEGEND**

BOTANICAL NAME	COMMON NAME
<b>TREES</b>	
Acer palmatum	Japanese Maple
Acmena smithii	Lillypilly
Brachychiton acerifolius	Illawarra Flame
Elaeocarpus eumundii	Blueberry Ash
Prunus ceracifera 'Nigra'	Purple Cherry Plum
Tristaniopsis laurina 'Luscious'	Water gum
Magnolia 'Little Gem'	Dwarf Magnolia
Magnolia 'Teddy Bear'	Dwarf Magnolia
Michellia figo	Port Wine Magnolia
<b>LARGE SHRUBS</b>	
Backhousia citriodora	Lemon Myrtle
Syzgium 'Cascade'	Weeping Brush Cherry
Syzgium 'Resilience'	Brush Cherry
Camellia sasanqua	Camellia
Photinia 'Red Robin'	Photinia
Viburnum odoratissimum	Sweet Viburnum
Thysanoloa maxima	Tiger Grass
<b>SMALL TO MEDIUM SHRUBS AND ACCENT PLANTS</b>	
Agave attenuata	Agave
Alternanthera 'Little Ruby'	Alternanthera
Cycas revoluta	Sago Palm
Gardenia augusta 'Florida'	Gardenia
Zamia furfuraceae	Cardboard Plant
<b>GROUND COVERS</b>	
Liriope muscari 'Evergreen Giant'	Turf Lily
Gardenia radicans	Dwarf Gardenia
Juniperus confertus	Shore Juniper
Philodendron 'Xanadu'	Philodendron

**EXISTING TREE SCHEDULE**

No	Botanical Name	Action
T1	Polyscias elegans	Retain
T2	corymbia ficifolia	Remove
T3	Callistemon rigidis	Retain
T4	Callistemon rigidis	Retain
T5	Myrsine variabilis	Retain
T6	Polyscias elegans	Retain
T7	Lagerstroemia indica	Retain
T8	Howea forsteriana	Retain
T9	Polyscias elegans	Remove
T10	Unidentified species	Remove
T11	Unidentified species	Remove
T12	Agonis flexuosa	Remove

NOTE: The above tree schedule has been extracted from the arborist's report prepared by Allied Tree Consultancy dated August 2018. Refer to the arborist's report for further details on the existing trees.



ISSUE: Amended Development Application 13.02.19, 20.02.19  
 ISSUE: For Co-ordination 08.02.19  
 ISSUE: Development Application 07.09.18  
 ISSUE: For Co-ordination 07.08.18, 14.08.18, 06.09.18  
 REV.A: Amend building, landscape 07.02.19

**ochre** landscape architects  
 PO Box 395 Wollongong NSW 2520  
 Level 1, 126 Crown Street  
 Wollongong NSW 2500  
 Tel. 02 4227 6427 Fax. 02 4227 6876  
 Email: design@ochre.net.au

PROJECT  
**Proposed Unit Development**  
 4 Marr Street  
 WOLLONGONG

DRAWING TITLE  
 Landscape Concept Plan

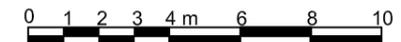
CLIENT  
 CH Property Developments Pty Ltd

DRAWING NO.  
 1862-LD01A

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CHECKED: TW

DATE: 07.08.18



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SECTION AA

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ARCHITECTS

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Project  
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At  
 4 MARR STREET  
 WOLLONGONG

For  
 DERWENT PROPERTY  
 Pty Ltd.

Title  
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 SECTION AA

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DP SP

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**ATTACHMENT 2 - Zoning Map and Aerial Photo**



**Figure 1 -WLEP 2009 Zoning Map**



**Figure 2 - Aerial Photograph**

## Attachment 3 - Design Review Panel Notes

### Wollongong Design Review Panel Meeting minutes and recommendations DA-2018/1211

<b>Date</b>	1 November 2018
<b>Meeting location</b>	Wollongong City Council Administration Offices
<b>Panel members</b>	Gabrielle Morrish (Chair) Karla Castellanos Tony Tribe
<b>Apologies</b>	
<b>Council staff</b>	Pier Panozzo –City Centre & Major Development Manager Brad Harris - Senior Development Project Officer
<b>Guests/ representatives of the applicant</b>	Angelo Di Martino - ADM Architects Dejan Danic - ADM Architects Nadine Page -TCG Planning Peter Taranto Derwent Property Daniel Hodge Derwent Property
<b>Declarations of Interest</b>	Nil
<b>Item number</b>	2
<b>DE number</b>	DA-2018/1211
<b>Reasons for consideration by DRP</b>	Clause 28 SEPP65, Clause 7.18 WLEP 2009.
<b>Determination pathway</b>	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
<b>Property address</b>	11 Gipps Street Wollongong. Please note that the documentation provided by the Applicant refers to the site address as No. 4 Marr Street, Wollongong.
<b>Proposal</b>	Residential - demolition of existing structures and construction of residential flat building - 14 apartments (2 x 2 bedroom + 12 x 3 bedroom) 20 car spaces in one basement level, 9 apartments are identified as adaptable
<b>Applicant or applicant's representative address to the design review panel</b>	
<b>Background</b>	The site was Inspected by the Panel on 1 November 2018
<b>Design quality principals SEPP65</b>	
<b>Context and Neighbourhood Character</b>	<p>The area surrounding the proposal is in transition. The panel agrees that the proposal is responding to the evolving rather than the existing character, which is the desired outcome by the controls; however, the proposal still needs to mitigate any adverse impacts to surrounding properties in the interim.</p> <p>The Panel is of the opinion that the proposal needs to improve the relationship with the ground plane as seen from the public domain as well as the interface with the property to the south at No. 6 Marr Street.</p> <p>It is noted that the level entry, address is proposed from Gipps St.</p> <p>The development name, address and location of the mail boxes should acknowledge this.</p>
<b>Built Form and Scale</b>	<p>The Panel is of the opinion that the Applicant has used a number of design strategies that assist in reducing the overall bulk and scale i.e. avoiding a continuous planar façade, carving out different volumes within the building envelope and introducing the notion of a base; however, the proportion of some of the elements to the whole appear disproportionate and don't follow a logical hierarchy.</p> <p>For instance, the expression of some of the balconies appears to be too heavy in comparison to the width of the columns that hold</p>

	<p>them. The expression of the roof parapet appears top heavy in contrast to the levels immediately below and it adds bulk to the widest of the 3 identifiable elements of the façade.</p> <p>The use of a monochromatic colour scheme across all three elements blends them into one monolithic composition rather than emphasising its discrete parts. The use of a flat roof or the lack of a varied roof line also adds to the perception of bulk and scale when looking due north on Marr Street as seen in Drawing A-005. The Panel recognises the good principles employed in the design of the elevations; these just need a degree of finessing to achieve a more balanced composition.</p> <p>The 3-4m high basement wall, setback 3m from the southern boundary is unacceptable. Reconsideration should be given to an inter lot solution which provides better amenity to current and likely future development.</p>
<p><b>Density</b></p>	<p>The Panel notes that the typical floor layouts are driven by a desire to achieve larger units rather than a quantum of units per level and it is the Panel's understanding that the mix of units has been guided by a market study. However, the Panel is concerned that the desire for larger (3 bed units) generates the need for dual car parking spaces or adaptable spaces and this, in turn, has pushed the basement footprint beyond the building footprint. In addition, it has unacceptably pushed car parking spaces into landscaped setback areas.</p> <p>The panel considers that the basement should be contained within the building footprint and should not encroach into setback areas, particularly given the topography of the site. Setback areas should be deep soil landscape areas to soften the interface to adjoining development, particularly the dwelling downslope of the site. The panel considers that the proposal should adopt a two-basement layout.</p> <p>The Applicant has not demonstrated that the site is capable of providing the required number of parking spaces for the number of units proposed as the visitor's parking is currently located outside the basement within part of the street setback. This approach is not supported.</p>
<p><b>Sustainability</b></p>	<p>The proposal does not exhibit any measures that suggest sustainability was considered in its design. Further information is required from the applicant, but the Panel strongly recommends as a minimum the following:</p> <ul style="list-style-type: none"> <li>· The use of low embodied-energy materials to reduce the overall green footprint.</li> <li>· The use of large full windows to encourage daylight penetration which reduces the dependency on artificial lighting. Windows at the end of deeply inset balconies need to be complemented by other sources of natural light.</li> <li>· Detail development / documentation of screening to all west facing rooms to prevent excessive solar gain.</li> <li>· Rainwater to be collected and reused for toilet flushing, landscaping and irrigation.</li> <li>· The provision of photo voltaic cells.</li> <li>· The provision of a communal clothes drying area.</li> </ul>

<p><b>Landscape</b></p>	<p>The panel is concerned about the resolution of the ground plane and the location of the communal open spaces. Issues include:</p> <ul style="list-style-type: none"> <li>· Extent of hardscape areas or intrusion of the basement level into the western and northern setbacks.</li> <li>· The lack of ground level courtyards for the private use of the ground level units.</li> <li>· Deep garden beds between the boundary and the units' private open space, which deactivates the street edge.</li> <li>· Lack of access to the deep soil area along the southern boundary or connection to it from the communal open space.</li> <li>· Segregation of the communal open space between the front and the rear setback.</li> <li>· The location of the communal open space in front of private open spaces and the potential privacy and acoustic issues associated with this arrangement.</li> <li>· The lack of a landscape strategy between the site boundary and the street kerb. The drawings give no indication of what landscape treatments are being proposed for the surrounding public domain.</li> <li>· Fire egress stairs and visitor's parking displacing areas for deep soil planting.</li> <li>· Visitor's car parking outside the basement area</li> </ul> <p>The panel is of the opinion that the proposal lacks a strong and well-designed landscape strategy and that a holistic approach needs to be considered. A roof top communal open space should also be considered as part of a holistic approach.</p>
<p><b>Amenity</b></p>	<p>The proposal has not taken into consideration the potential amenity impacts to the future proposal next door to the west, nor the impacts to the existing dwelling of the exposed basement and podium scale to the south of the site. The treatment of the basement and its exposure to the boundary creates an isolated area with a unpleasant blank wall exposed to the adjacent property.</p> <p>There are unreasonable sun, light, noise and privacy issues associated with locating a portion of the COS adjacent to the northern aspect of U2. Relocating this COS to the north-west roof should be explored. Minor breaches of the LEP height standard to access the roof are possibly justifiable on this site subject to Council support.</p> <p>Analysis of solar access to the southern adjacent property should ignore the current shadow of existing vegetation and quantify loss of sun to north-facing habitable rooms and usable POS for adjoining dwellings and developments.</p>
<p><b>Safety</b></p>	<p>Areas of communal open space along the front boundary displace private courtyards directly accessible from the street, which reduces natural surveillance to the street. This also creates privacy issues to the units on the ground level.</p> <p>The panel also considers that locating communal open space within front setbacks is a poor strategy and it is highly unlikely that this space would be used by residents to any meaningful degree.</p>

<b>Housing Diversity and Social Interaction</b>	As the proposal relies on a market study, the proposed unit mix attempts to capture a particular sector of the population and excludes all others. This does not provide housing choice to a cross section of the population and therefore does not provide for a mix of groups. In the panel's opinion, the Applicant has not demonstrated that the site is capable of sustaining the proposed number of large units as the unit parking displaces the visitor's parking and it is currently located outside the basement envelope and taking up part of the setback.
<b>Aesthetics</b>	While the materials selection appears to be robust selection, especially at the base, the palette relies on the screening to add interest and colour on what otherwise be a rather monochromatic palette. This contrast needs to be balanced to work.  The material & colour of all structures up to ground floor level should consider light reflectivity, particularly in relation to the southern and western adjacent properties.
<b>Design Excellence WLEP2009</b>	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The building type is appropriate for the location and the evolving character of the precinct, but it requires a degree of finessing to further reduce the perception of bulk and scale from a number of highly visible vantage points in the public domain as well as achieving a balanced and harmonious use of colour and finishes.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The proposal needs to carefully evaluate its response to the interface with the public domain at the ground level. No information on the proposed finishes and improvements to the public domain have been provided and need to be included in future reiterations of the proposal.
Whether the proposed development detrimentally impacts on view corridors,	This is not evident based on the information provided.
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,	The proposal is suitable to the zone.
existing and proposed uses and use mix	N/A

heritage issues and streetscape constraints,	The existing heritage item on this block is not immediately adjacent to the subject site.
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 proposal has not considered the potential future built form on the adjacent site to the south in its response to the ground plane.
bulk, massing and modulation of buildings	See comments above.
street frontage heights	The proposal has an implied base, but the most problematic relationship is how the lower ground units' interface with the public domain.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The issues of overshadow to the property to the south are significant and any representation of the potential impacts needs to be presented without taking into account the existing vegetation. A projection of the potential impacts to a future tower next door need to be also evaluated especially in relation to communal open spaces at the ground floor.
the achievement of the principles of ecologically sustainable development	The proposal has not provided any documentation to suggest sustainability was considered in its design.
pedestrian, cycle, vehicular and service access, circulation and requirements	Should a roof top garden be included, the Applicant has to demonstrate compliance with BCA fire egress and universal access requirements. No fire egress stairs should occupy the setback areas and these need to be encapsulated within the footprint of the building. No areas for bulky goods storage and pick-up have been designated.
impact on, and any proposed improvements to, the public domain	No information has been provided to show the intended treatment of the public domain around the boundary of the site or location and treatment of any required substation.
Key issues, further Comments & Recommendations	<p>The proposal needs to address a number of issues including:</p> <ul style="list-style-type: none"> <li>· The relationship with the ground plane as seen from the public domain.</li> <li>· The interface with the property to the south at No. 6 Marr Street.</li> <li>· The finessing of the elevations to achieve a more balanced composition.</li> <li>· The basement footprint beyond the building footprint.</li> <li>· The lack of a strong and well-designed landscape strategy.</li> <li>· The representation of potential overshadowing impacts to existing or future developments to the south without the existing vegetation.</li> <li>· Avoidance of any car parking in street landscaped setback areas.</li> <li>· Reconsideration of COS provision optimising amenity.</li> </ul>

Attachment 4 - Applicant's response to DRP comments

**DESIGN REVIEW PANEL MEETING | 01 NOVEMBER 2018**

11 GIPPS ST & 4 MARRS ST, WOLLONGONG

DA-2018/1211 | ADM Ref: 2018-25 | 15 February 2019



REASON FOR CONSIDERATION	DESIGN REVIEW PANEL COMMENT	ADM ARCHITECTS RESPONSE
<p>1. Context and Neighbourhood Character</p>	<p>The area surrounding the proposal is in transition. The panel agrees that the proposal is responding to the evolving rather than the existing character, which is the desired outcome by the controls; however, the proposal still needs to mitigate any adverse impacts to surrounding properties in the interim.</p> <p>The Panel is of the opinion that the proposal needs to improve the relationship with the ground plane as seen from the public domain as well as the interface with the property to the south at No. 6 Marr Street.</p> <p>It is noted that the level entry, address is proposed from Gipps St. The development name, address and location of the mail boxes should acknowledge this.</p>	<p>Noted</p> <p>A second level basement has reduced the building footprint and reduced the extent of walling along or closer to the property boundaries, providing significant amenity improvements and minimising impacts on the surrounding properties.</p> <p>The mailboxes have been relocated to the main entry structure along Gipps Street.</p>
<p>2. Built Form and Scale</p>	<p>The Panel is of the opinion that the Applicant has used a number of design strategies that assist in reducing the overall bulk and scale i.e. avoiding a continuous planar façade, carving out different volumes within the building envelope and introducing the notion of a base; however, the proportion of some of the elements to the whole appear disproportionate and don't follow a logical hierarchy.</p> <p>For instance, the expression of some of the balconies appears to be too heavy in comparison to the width of the columns that hold them. The expression of the roof parapet appears top heavy in contrast to the levels immediately below and it adds bulk to the widest of the 3 identifiable elements of the façade.</p> <p>The use of a monochromatic colour scheme across all three elements blends them into one monolithic composition rather than emphasising its discrete parts. The use of a flat roof or the lack of a varied roof line also adds to the perception of bulk and scale when looking due north on Marr Street as seen in Drawing A-005. The Panel recognises the good principles employed in the design of the elevations; these just need a degree of finessing to achieve a more balanced composition.</p> <p>The 3-4m high basement wall, setback 3m from the southern boundary is unacceptable. Reconsideration should be given to an inter lot solution which provides</p>	<p>Noted</p> <p>The lower level columns are larger and bulkier to reinforce the notion of a building base. The lighter 'vertical' columns are geometrically equal in width to the 'horizontal' balcony hob, forming a an effective grid like expression.</p> <p>The expressed "bulky" roof form of a different material has been removed and replaced with a simpler raised concrete roof form.</p> <p>A simple palette of naturally finished and durable materials ensures the building is low maintenance and robustly suited to the coastal environment.</p> <p>A second level basement has reduced the building footprint allowing the setback to the walling along</p>

REASON FOR CONSIDERATION	DESIGN REVIEW PANEL COMMENT	ADM ARCHITECTS RESPONSE
<p>3. Density</p>	<p>better amenity to current and likely future development.</p> <p>The Panel notes that the typical floor layouts are driven by a desire to achieve larger units rather than a quantum of units per level and it is the Panel's understanding that the mix of units has been guided by a market study. However, the Panel is concerned that the desire for larger (3 bed units) generates the need for dual car parking spaces or adaptable spaces and this, in turn, has pushed the basement footprint beyond the building footprint. In addition, it has unacceptably pushed car parking spaces into landscaped setback areas.</p> <p>The panel considers that the basement should be contained within the building footprint and should not encroach into setback areas, particularly given the topography of the site. Setback areas should be deep soil landscape areas to soften the interface to adjoining development, particularly the dwelling downslope of the site. The panel considers that the proposal should adopt a two-basement layout.</p> <p>The Applicant has not demonstrated that the site is capable of providing the required number of parking spaces for the number of units proposed as the visitor's parking is currently located outside the basement within part of the street setback. This approach is not supported.</p>	<p>the south boundary to increase to 5.8m.</p> <p>The proponent understands the market place and is satisfied that this boutique building provides a product the community requires. Basement footprint has been reduced thereby increasing zones for soft landscaping.</p> <p>The proponent has agreed with the panel to adopt a two level basement. The result is a much smaller overall basement envelope allowing more space for landscaping, communal areas and deep soil planting. The interface between the downslope southern property and the proposal is also improved with the interface wall setback increasing to 5.8m.</p> <p>The visitor spaces have been relocated under the building footprint to allow additional soft planting within the front setback.</p>
<p>4. Sustainability</p>	<p>The proposal does not exhibit any measures that suggest sustainability was considered in its design. Further information is required from the applicant, but the Panel strongly recommends as a minimum the following:</p> <ul style="list-style-type: none"> <li>▪ The use of low embodied-energy materials to reduce the overall green footprint.</li> <li>▪ The use of large full windows to encourage daylight penetration which reduces the dependency on artificial lighting. Windows at the end of deeply inset balconies need to be complemented by other sources of natural light.</li> <li>▪ Detail development / documentation of screening to all west facing rooms to prevent excessive solar gain.</li> <li>▪ Rainwater to be collected and reused for toilet flushing, landscaping and irrigation.</li> <li>▪ The provision of photo voltaic cells.</li> <li>▪ The provision of a communal clothes drying area.</li> </ul>	<p>The proposal provides for:</p> <ol style="list-style-type: none"> <li>1. Meeting the minimum NatHERS targets</li> <li>2. Full width and height windows to habitable rooms</li> <li>3. West screening now detailed on drawing A-106</li> <li>4. PhotoVoltaic cells on the roof for powering common lighting – refer Roof Plan</li> <li>5. Provision of a 3000L Rainwater reuse tank for irrigation and wash down of common areas; Refer Basement 1 Plan</li> <li>6. A communal clothes drying area is now provided adjacent to the COS</li> </ol>

REASON FOR CONSIDERATION	DESIGN REVIEW PANEL COMMENT	ADM ARCHITECTS RESPONSE
<p>5. Landscape</p>	<p>The panel is concerned about the resolution of the ground plane and the location of the communal open spaces. Issues include:</p> <ul style="list-style-type: none"> <li>▪ Extent of hardscape areas or intrusion of the basement level into the western and northern setbacks.</li> <li>▪ The lack of ground level courtyards for the private use of the ground level units.</li> <li>▪ Deep garden beds between the boundary and the units' private open space, which deactivates the street edge.</li> <li>▪ Lack of access to the deep soil area along the southern boundary or connection to it from the communal open space.</li> <li>▪ Segregation of the communal open space between the front and the rear setback.</li> <li>▪ The location of the communal open space in front of private open spaces and the potential privacy and acoustic issues associated with this arrangement.</li> <li>▪ The lack of a landscape strategy between the site boundary and the street kerb. The drawings give no indication of what landscape treatments are being proposed for the surrounding public domain.</li> <li>▪ Fire egress stairs and visitor's parking displacing areas for deep soil planting.</li> <li>▪ Visitor's car parking outside the basement area.</li> </ul> <p>The panel is of the opinion that the proposal lacks a strong and well-designed landscape strategy and that a holistic approach needs to be considered. A roof top communal open space should also be considered as part of a holistic approach.</p>	<p>The landscaping has been redesigned as follows:</p> <p>The introduction of a second level basement has reduced the building footprint and increased the opportunity for soft landscaping along the south and western boundaries.</p> <p>The removal of the COS along the northern boundary provides opportunity for the ground level paved courtyards to be extended outward and redesigned to include areas of soft landscaping.</p> <p>The COS is redesigned along the western edge of the building to form one contiguous area and now extends to include access to and part of the deep soil zone along the southern boundary.</p> <p>The fire egress stair and visitor parking along the Marr and Gipps Street frontages are removed providing areas for greater setbacks and planting.</p> <p>Also refer amended landscape plans by Ochre Landscape Architects.</p>
<p>6. Amenity</p>	<p>The proposal has not taken into consideration the potential amenity impacts to the future proposal next door to the west, nor the impacts to the existing dwelling of the exposed basement and podium scale to the south of the site. The treatment of the basement and its exposure to the boundary creates an isolated area with a unpleasant blank wall exposed to the adjacent property.</p> <p>There are unreasonable sun, light, noise and privacy issues associated with locating a portion of the COS adjacent to the northern aspect of U2. Relocating this COS to the north-west roof should be explored. Minor breaches of the LEP height standard to access the roof are possibly justifiable on this site subject to Council support.</p>	<p>Further modeling suggests the proposed building envelope does not obstruct or impact on development of the adjoining sites.</p> <p>The ground floor plane has been redesigned to relocate the COS away from the northern aspect of Unit 2. The COS is reconfigured so it is all provided in a contiguous area along the northwest side of the building. Following discussions with council officers, the proponent has decided to comply with</p>

REASON FOR CONSIDERATION	DESIGN REVIEW PANEL COMMENT	ADM ARCHITECTS RESPONSE
	<p>Analysis of solar access to the southern adjacent property should ignore the current shadow of existing vegetation and quantify loss of sun to north-facing habitable rooms and usable POS for adjoining dwellings and developments.</p>	<p>the LEP height limit and not provide COS on the roof. Because the proposal maintains the existing trees within the deep soil zone and to provide the most realistic shadowing analysis, the trees are shown in the overshadowing diagrams.</p>
7. Safety	<p>Areas of communal open space along the front boundary displace private courtyards directly accessible from the street, which reduces natural surveillance to the street. This also creates privacy issues to the units on the ground level. The panel also considers that locating communal open space within front setbacks is a poor strategy and it is highly unlikely that this space would be used by residents to any meaningful degree.</p>	<p>The ground floor plane has been redesigned to relocate the COS away from the front boundary, allowing the POS to extend towards it. The COS is reconfigured so it is all provided in a contiguous area along the northwest side of the building.</p>
8. Housing Diversity and Social Interaction	<p>As the proposal relies on a market study, the proposed unit mix attempts to capture a particular sector of the population and excludes all others. This does not provide housing choice to a cross section of the population and therefore does not provide for a mix of groups. In the panel's opinion, the Applicant has not demonstrated that the site is capable of sustaining the proposed number of large units as the unit parking displaces the visitor's parking and it is currently located outside the basement envelope and taking up part of the setback.</p>	<p>The proponent understands the market place and undertook a comprehensive market study to satisfy himself that the building provides a product the community requires. The development provides both 2 and 3 bedroom apartments. The basement footprint has been reduced thereby increasing landscape zones and setbacks. The visitor parking has been relocated within the basement footprint.</p>
9. Aesthetics	<p>While the materials selection appears to be robust selection, especially at the base, the palette relies on the screening to add interest and colour on what otherwise be a rather monochromatic palette. This contrast needs to be balanced to work. The material &amp; colour of all structures up to ground floor level should consider light reflectivity, particularly in relation to the southern and western adjacent properties.</p>	<p>The materials selected are not of high reflectivity. The proposed paneling has been removed.</p>
10. Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	<p>The building type is appropriate for the location and the evolving character of the precinct, but it requires a degree of finessing to further reduce the perception of bulk and scale from a number of highly visible vantage points in the public domain as well as achieving a balanced and harmonious use of colour and finishes.</p>	<p>Noted</p>

REASON FOR CONSIDERATION	DESIGN REVIEW PANEL COMMENT	ADM ARCHITECTS RESPONSE
11. Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The proposal needs to carefully evaluate its response to the interface with the public domain at the ground level. No information on the proposed finishes and improvements to the public domain have been provided and need to be included in future reiterations of the proposal.	Noted
12. Whether the proposed development detrimentally impacts on view corridors,	This is not evident based on the information provided.	The proposal is one of a number of buildings of similar scale and height in the immediate vicinity. There are no established or protected view corridors in the area.
13. Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A	N/A
How the development addresses the following:		
14. The suitability of the land for development,	The proposal is suitable to the zone.	Noted
existing and proposed uses and use mix	N/A	N/A
15. Heritage issues and streetscape constraints,	The existing heritage item on this block is not immediately adjacent to the subject site.	Noted.
16. 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 proposal has not considered the potential future built form on the adjacent site to the south in its response to the ground plane.	The applicant has provided additional information in regards to how the proposal may relate to a future potential built form on the southern and western boundaries. Refer amended drawings A-003 to A-007
17. Bulk, massing and modulation of buildings	See comments above.	Noted

REASON FOR CONSIDERATION	DESIGN REVIEW PANEL COMMENT	ADM ARCHITECTS RESPONSE
18. Street frontage heights	The proposal has an implied base, but the most problematic relationship is how the lower ground units' interface with the public domain.	Direct street access is provided for the ground floor units. The removal of the COS from the front boundary, also allows the courtyards of the two ground floor units to extend northward towards the street, improving the interface.
19. Environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The issues of overshadow to the property to the south are significant and any representation of the potential impacts needs to be presented without taking into account the existing vegetation. A projection of the potential impacts to a future tower next door need to be also evaluated especially in relation to communal open spaces at the ground floor.	Further detailed shadow diagrams are provided at various times of the year. The diagrams indicate that the overshadowing of the southern property is not unreasonable.
20. The achievement of the principles of ecologically sustainable development	The proposal has not provided any documentation to suggest sustainability was considered in its design.	Refer point 4.
21. Pedestrian, cycle, vehicular and service access, circulation and requirements	Should a roof top garden be included, the Applicant has to demonstrate compliance with BCA fire egress and universal access requirements. No fire egress stairs should occupy the setback areas and these need to be encapsulated within the footprint of the building. No areas for bulky goods storage and pick-up have been designated.	A roof top structure would in part extend 2m over the permissible height. After discussing the option with council officers, the proponent has opted to maintain the building within the LEP permissible height and have no structure protrude beyond the 24m.
22. Impact on, and any proposed improvements to, the public domain	No information has been provided to show the intended treatment of the public domain around the boundary of the site or location and treatment of any required substation.	Refer landscape plan. No substation is proposed because the proponent will rely on power from the existing substation located in the immediate vicinity.
23. Key issues, further Comments & Recommendations	<p>The proposal needs to address a number of issues including:</p> <ul style="list-style-type: none"> <li>■ The relationship with the ground plane as seen from the public domain.</li> <li>■ The interface with the property to the south at No. 6 Marr Street.</li> <li>■ The finessing of the elevations to achieve a more balanced composition.</li> <li>■ The basement footprint beyond the building footprint.</li> <li>■ The lack of a strong and well-designed landscape strategy.</li> <li>■ The representation of potential overshadowing impacts to existing or future developments to the south without the existing vegetation.</li> <li>■ Avoidance of any car parking in street landscaped setback areas.</li> <li>■ Reconsideration of COS provision optimising amenity.</li> </ul>	The proponent has made significant amendments to the proposal to address all the matters raised for consideration. Refer detailed commentary above.

## ATTACHMENT 5

### Apartment Design Guide (ADG) Compliance Table

Key SEPP 65 standards			
	Required	Proposed	Compliance
<b>3D</b> Communal and public open space	<p>Communal open space (COS) has a minimum area equal to 25% of the site.</p> <p>Minimum of 50% direct sunlight to the principal usable part of the COS for a min of 2 hours between 9am- 3pm mid winter</p> <p>Required: 25% x 1166m<sup>2</sup> = 291.5m<sup>2</sup></p>	<p>Total COS provided = 292m<sup>2</sup> 159m<sup>2</sup> (54%) of the COS receives the required direct sunlight.</p>	Yes
<b>3E</b> Deep soil zones	<p>Min dimension required: Site area &lt;650m<sup>2</sup> - N/A &gt; 650m<sup>2</sup> - &lt;1,500m<sup>2</sup> 3m &gt; 1,500m<sup>2</sup> 6m &gt; 1,500m<sup>2</sup> with significant existing tree cover 6m <u>Area required(7% of site area)</u></p>	<p>Site area = 1166m<sup>2</sup> A 3m wide DSZ extends along the southern boundary. Area 202m<sup>2</sup> equates to 17% of site area</p>	Yes
<b>3F</b> Visual privacy (separation distances from buildings to the side and rear boundaries)	<p>Up to 12m (4 storeys) - 6m (habitable rooms &amp; balconies) 3m (non – habitable rooms)</p> <p>Up to 25m (5-8 storeys) - 9m Habitable rooms and balconies 4.5m (non habitable rooms)</p>	<p><u>Provided (up to 12m) West:</u> <b>Level 1 - 2:</b> Min 7.43m to bedroom 1 to boundary (blank wall) complies with required 6m setback for habitable rooms.</p> <p><b>Levels 3 - 4</b> Min 4.75m to bedroom 1 (blank wall) and secondary balcony (with screening). Complies with 4.5m setback for non-habitable rooms.</p>	<p>Complies</p> <p>Complies with required 6m for Rooms/balconies</p>

	Up to 25m (5-8 storeys) – 9m (habitable rooms & balconies) 4.5m (non – habitable rooms)	<p><b>Level 5 -7 (up to 25m):</b> <u>West:</u> <u>Level 5 - 7:</u> Min 4.75m to bedroom 1 to boundary (blank wall) and balcony (with screening).</p> <p>Min 7.23m to primary balcony with side screening.</p> <p><u>South:</u> <u>Level 4 - 7:</u> 7.61m to bedroom 3 of eastern units (blank wall) and balcony (with screening).</p> <p>Min 9.79m to bedroom 3 to boundary (with window) and balcony (no screening).</p>	<p>Complies with required 4.5m setback for non-habitable rooms.</p> <p>Complies with non-habitable standard.</p> <p>Complies with 4.5m non habitable room standard.</p> <p>Complies with required 9.0m setback for habitable rooms.</p>
<b>3J</b> Bicycle and car parking (Nominated regional centres; Wollongong, Warrawong, Dapto)	<p><u>Chapter E-3 of WDCP 2009</u> 1 per 70-110m<sup>2</sup> unit = 3 1.25 per &gt;110m<sup>2</sup> unit = 13.75 0.2 spaces per unit visitor = 2.8</p> <p>Total required: <b>20 spaces</b></p>	<p>20 spaces 17 resident 3 visitor</p>	Yes
<b>Part 4 – Designing the building - Amenity</b>			
<b>4A</b> Solar and daylight access	<p>Living rooms and private open space, 2 hours direct sunlight in mid-winter to 70% of units. Units receiving no direct sun light between 9am and 3pm mid-winter 15% maximum</p> <p>Maximum 15% of units receiving no direct sun light between 9am and 3pm mid-winter i.e. maximum 2 units</p>	All units (100%) will receive 2 hours of sunlight on June 21.	Yes

<p><b>4B</b> Natural ventilation</p>	<p>60% of units to be naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m.</p>	<p>All of the 26 units will be cross ventilated.</p> <p>No cross-over apartments</p>	<p>Yes</p>
<p><b>4C</b> Ceiling heights</p>	<p>Habitable rooms 2.7m Non-habitable 2.4m</p>	<p>2.7m ceiling height is proposed for all residential levels.</p>	<p>Yes</p>
<p><b>4D</b> Apartment size and layout</p>	<p>Studio 35m<sup>2</sup> 1 bedroom 50m<sup>2</sup> 2 bedroom 70m<sup>2</sup> 3 bedroom 90m<sup>2</sup></p>	<p>2 bedroom units = 93m<sup>2</sup> 3 bedroom units = 121m<sup>2</sup> (min)</p>	<p>Yes</p>
<p><b>4E</b> Private open space and balconies</p>	<p>Studio apartments 4m<sup>2</sup> - depth N/A 1 bedroom apartments 8m<sup>2</sup> min depth 2m 2 bedroom apartments 10m<sup>2</sup> min depth 2m 3+ bedroom apartments 12m<sup>2</sup> min depth 2.4m</p>	<p>The L2 two bedroom apartment has a combined balcony size of 64m<sup>2</sup>.</p> <p>3 bedroom apartments have combined balcony sizes ranging from 44m<sup>2</sup> to 50m<sup>2</sup>.</p> <p>All primary balconies comply with minimum area and depth requirements.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4F</b> common circulation spaces</p>	<p>The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>2 apartments at each level - serviced off a single lift.</p>	<p>Yes</p>

<p><b>4G Storage</b></p>	<p>Studio apartments 4m<sup>3</sup>  1 bedroom apartments 6m<sup>3</sup>  2 bedroom apartments 8m<sup>3</sup>  3+ bedroom apartments 10m<sup>3</sup>  50% of storage to be provided within apartments.</p> <p><u>Storage Required:</u>  2 bed 2 x 8 = 16m<sup>3</sup>  3 bed 12 x 10 = 120m<sup>3</sup>  <b>Total required: 136m<sup>3</sup></b></p>	<p>Storage required =  2 bed x 8 = 16m<sup>3</sup>  3 bed 12 x 10 = 120m<sup>3</sup>  Total required 138m<sup>3</sup>  Provided in basement car park 195.8m<sup>3</sup></p> <p>Additional storage provided within apartments is 138m<sup>3</sup> which exceeds 50% of required storage.</p>	<p>Yes</p>
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**Part 4 – Designing the building - Configuration**

		Compliance
<p><b>4K Apartment mix</b>  <u>Objective 4K-1</u>  <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- A variety of apartment types is provided</li> <li>- The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups</li> <li>- Flexible apartment configurations are provided to support diverse household types and stages of life</li> </ul> <p><u>Objective 4K-2</u>  <i>The apartment mix is distributed to suitable locations within the building</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available</li> </ul>	<p>No one (1) bedroom units are proposed. Applicant has provided justification for a variation to Council's DCP requirements for apartment mix.</p>	<p>Variation supported.</p>
<p><b>4L Ground floor apartments</b>  <u>Objective 4L-1</u>  <i>Street frontage activity is maximised where ground floor apartments are located</i></p> <p><u>Design guidance</u></p>	<p>Ground floor units achieve compliance with all relevant controls</p>	<p>Yes</p>

<ul style="list-style-type: none"> <li>- Direct street access should be provided to ground floor apartments</li> <li>- Activity is achieved through front gardens, terraces and the facade of the building.</li> <li>- Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion</li> </ul> <p><u>Objective 4L-2</u></p> <p><i>Design of ground floor apartments delivers amenity and safety for residents</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- The design of courtyards should balance the need for privacy of ground floor apartments with surveillance of public spaces. Design solutions include: <ul style="list-style-type: none"> <li>• elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4)</li> <li>• landscaping and private courtyards</li> <li>• window sill heights that minimise sight lines into apartments</li> <li>• integrating balustrades, safety bars or screens with the exterior design</li> </ul> </li> <li>- Solar access should be maximised through: <ul style="list-style-type: none"> <li>• high ceilings and tall windows</li> <li>• trees and shrubs that allow solar access in winter and shade in summer</li> </ul> </li> </ul>		
<p><b><u>4M Facades</u></b></p> <p><u>Objective 4M-1</u></p> <p><i>Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- To ensure that building elements are integrated into the overall building form and façade design</li> <li>- The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building.</li> <li>- Building services should be integrated within the overall facade</li> </ul>	<p>Facades are appropriate and overall design is acceptable with regard to the design excellence provisions of the LEP.</p> <p>The design was acceptable to the Design Review Panel with the inclusion of some amendments to reduce the perception of bulk and scale.</p> <p>This has been addressed by amended plans.</p>	<p>Yes</p>

<ul style="list-style-type: none"> <li>- Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</li> <li>- To ensure that new developments have facades which define and enhance the public domain and desired street character.</li> </ul> <p><u>Objective 4M-2</u></p> <p><i>Building functions are expressed by the facade</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Building entries should be clearly defined</li> </ul>		
<p><b><u>4N Roof design</u></b></p> <p><u>Objective 4N-1</u></p> <p><i>Roof treatments are integrated into the building design and positively respond to other street</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Roof design should use materials and a pitched form complementary to the building and adjacent buildings.</li> </ul> <p><u>Objective 4N-2</u></p> <p><i>Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Habitable roof space should be provided with good levels of amenity.</li> <li>- Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</li> </ul> <p><u>Objective 4N-3</u></p> <p><i>Roof design incorporates sustainability features</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Roof design maximises solar access to apartments during winter and provides shade during summer</li> </ul>	<p>Roof design is acceptable</p>	<p>Yes</p>
<p><b>4O Landscape design</b></p> <p><u>Objective 4O-1</u></p> <p><i>Landscape design is viable and sustainable</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Landscape design should be environmentally sustainable and can</li> </ul>	<p>Landscape design is satisfactory. Satisfies relevant provisions and is satisfactory to Council's landscape Section</p>	<p>Yes</p>

<p>enhance environmental performance</p> <ul style="list-style-type: none"> <li>- Ongoing maintenance plans should be prepared</li> </ul> <p><u>Objective 4O-2</u></p> <p><i>Landscape design contributes to the streetscape and amenity</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Landscape design responds to the existing site conditions including: <ul style="list-style-type: none"> <li>• changes of levels</li> <li>• views</li> <li>• significant landscape features</li> </ul> </li> </ul>		
<p><b><u>4P Planting on Structures</u></b></p> <p><u>Objective 4P-1</u></p> <p><i>Appropriate soil profiles are provided</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Structures are reinforced for additional saturated soil weight</li> <li>- Minimum soil standards for plant sizes should be provided in accordance with Table 5</li> </ul> <p><u>Objective 4P-2</u></p> <p><i>Plant growth is optimised with appropriate selection and maintenance</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Plants are suited to site conditions</li> </ul> <p><u>Objective 4P-3</u></p> <p><i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Building design incorporates opportunities for planting on structures. Design solutions may include: <ul style="list-style-type: none"> <li>• green walls with specialised lighting for indoor green walls</li> <li>• wall design that incorporates planting</li> <li>• green roofs, particularly where roofs are visible from the public domain</li> <li>• planter boxes</li> </ul> </li> </ul>	<p>Minimal planting on structure proposed; most landscaping will occur in the ground</p>	<p>N/A</p>
<p><b><u>4Q Universal design</u></b></p> <p><u>Objective 4Q-1</u></p> <p><i>Universal design features are included in apartment design to promote flexible</i></p>	<p>Adaptable units proposed satisfy relevant requirements</p>	<p>Yes</p>

<p><i>housing for all community members</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures</li> </ul> <p><u>Objective 4Q-2</u></p> <p><i>A variety of apartments with adaptable designs are provided</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Adaptable housing should be provided in accordance with the relevant council policy</li> </ul> <p><u>Objective 4Q-3</u></p> <p><i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Apartment design incorporates flexible design solutions</li> </ul>		
<p><b><u>4R Adaptive reuse</u></b></p> <p><u>Objective 4R-1</u></p> <p><i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Contemporary infill can create an interesting dialogue between old and new, adding to the character of a place</li> </ul> <p><u>Objective 4R-2</u></p> <p><i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i></p>	<p>Adaptable units proposed within the building satisfy relevant criteria</p>	<p>Yes</p>
<p><b><u>4S Mixed use</u></b></p> <p><u>Objective 4S-1</u></p> <p><i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Mixed use development should be concentrated around public transport and centres</li> <li>- Mixed use developments positively contribute to the public domain.</li> </ul>	<p>N/A. residential use only proposed</p>	<p>N/A</p>

<p><u>Objective 4S-2</u></p> <p><i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Residential circulation areas should be clearly defined.</li> <li>- Landscaped communal open space should be provided at podium or roof levels</li> </ul>		
<p><b><u>4T Awnings and signage</u></b></p> <p><u>Objective 4T-1</u></p> <p><i>Awnings are well located and complement and integrate with the building design</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Awnings should be located along streets with high pedestrian activity and active frontages</li> </ul> <p><u>Objective 4T-2</u></p> <p><i>Signage responds to the context and desired streetscape character</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development</li> </ul>	Nil	N/A
<b>Part 4 – Designing the building - Performance</b>		Compliance
<p><b><u>4U Energy efficiency</u></b></p> <p><u>Objective 4U-1</u></p> <p><i>Development incorporates passive environmental design</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</li> </ul> <p><u>Objective 4U-2</u></p> <p><i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Provision of consolidated heating and cooling infrastructure should be located in a centralised location</li> </ul> <p><u>Objective 4U-3</u></p>	Compliant. Compliant solar access, ventilation. Satisfies BASIX requirements	Yes

<p><i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>		
<p><b>4V</b> Water management and conservation</p> <p><u>Objective 4V-1</u></p> <p><i>Potable water use is minimised</i></p> <p><u>Objective 4V-2</u></p> <p><i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Water sensitive urban design systems are designed by a suitably qualified professional</li> </ul> <p><u>Objective 4V-3</u></p> <p><i>Flood management systems are integrated into site design</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Detention tanks should be located under paved areas, driveways or in basement car parks</li> </ul>	<p>Satisfies BASIX requirements</p>	<p>Yes</p>
<p><b>4W</b> Waste management</p> <p><u>Objective 4W-1</u></p> <p><i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Common waste and recycling areas should be screened from view and well ventilated</li> </ul> <p><u>Objective 4W-2</u></p> <p><i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core</li> <li>- For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses</li> <li>- Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas</li> </ul>	<p>Appropriate arrangements proposed. Compliant acceptable waste storage room</p>	<p>Yes</p>
<p><b>4X</b> Building maintenance</p>	<p>Acceptable</p>	<p>Yes</p>

<p><u>Objective 4X-1</u></p> <p><i>Building design detail provides protection from weathering</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used.</li> </ul> <p><u>Objective 4X-2</u></p> <p><i>Systems and access enable ease of maintenance</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Window design enables cleaning from the inside of the Building</li> </ul> <p><u>Objective 4X-3</u></p> <p><i>Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant</i></p>		
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## ATTACHMENT 6 - WDCP 2009 ASSESSMENT

### 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.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>4.8 Building Character and Form</b>		
Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context	The application has been considered against the requirements of SEPP 65 and the ADG and is considered to be satisfactory. The main entry is clearly defined and addresses the street.	Satisfactory
All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.		
<b>4.9 Fences</b>		
Fences must be constructed to allow natural flow of stormwater or runoff.	Front fence proposed in Gipps Street only – adequately setback and screened by landscaping.	Satisfactory
Fences within front and secondary building lines should be mainly constructed of transparent fence materials.		
Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height		
<b>4.16 View sharing</b>		
To protect and enhance view sharing, significant view corridors	The proposed building is considered to be suitable for the site and will not unreasonably impact on views.	Satisfactory
A range of view sharing measures to be considered for building design		
<b>4.17. Retaining walls</b>		
To ensure well designed retaining walls that are structurally sound	The proposed development doesn't require any significant retaining walls, other than those associated with the basement construction.	Satisfactory
<b>6 Residential Flat Buildings</b>		
<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>6.2 Minimum Site Width Requirement</b>		
Minimum 24m site width required	Site width is 37.245m which exceeds the 24m minimum width requirement for	Satisfactory

<p>Within the R1 General Residential, R3 Medium Density Residential and R4 High Density Residential zones, development for the purpose of a RFB must not result in the creation of an “isolated lot”.</p>	<p>RFBs.</p> <p>The development will not result in the creation of an isolated allotment.</p>	<p>Satisfactory</p>
<p><u>6.5 Built Form</u></p> <p>The design, height and siting of the development must respond to its context.</p>	<p>Satisfactory as discussed above in relation to SEPP 65 design principles</p>	<p>Satisfactory</p>
<p><u>6.6 Visual privacy</u></p> <p>New building should be sited to maximise visual privacy between buildings without compromising access to sunlight and natural ventilation.</p>	<p>Refer to ADG Assessment</p>	<p>Satisfactory</p>
<p><u>6.7 Acoustic privacy</u></p> <p>Noise transmission should be reduced between apartments.</p>	<p>Refer to ADG Assessment</p>	<p>Satisfactory</p>
<p><u>6.8 Car Parking Requirements</u></p> <p>Refer to E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management.</p>	<p>Refer to Chapter E3 below</p>	<p>Satisfactory</p>
<p><u>6.9 Basement Car Parking</u></p> <p>Where parking is within a basement level, basement car park to not impact upon landscaping and deep soil zone requirements</p>	<p>Basement design is satisfactory with regard to deep soil zone.</p>	<p>Satisfactory</p>
<p>The podium roof must not be greater than 1.2m in height.</p> <p>Ventilation structures / openings / exhausts for basements must be orientated away from windows of habitable rooms;</p> <p>The visual impact of basement walls must be minimised through the use of design.</p> <p>Basements must be protected from inundation from 100 year flood level.</p>	<p>There are no concerns in relation to the basement and associated podium. The basement wall is approximately 3m above ground at the lower (southern) extent of the property but is 5.82m from southern boundary and separated from adjoining residence by deep soil screen planting.</p> <p>Site is not flood affected.</p>	<p>Satisfactory</p> <p>N/A</p>
<p><u>6.10 Access Requirements</u></p> <p>Any driveway servicing a residential development is to be setback a minimum of 1.5m from any boundary.</p> <p>Driveways are to be a maximum of 6m in width.</p> <p>Driveway crossovers must be designed in accordance with Council’s standard vehicle entrance designs.</p>	<p>The proposed driveway is 8.4m from southern side boundary and sufficient landscaping is provided.</p> <p>The driveway width is 6m.</p> <p>Council’s Traffic Engineer has provided a satisfactory referral.</p>	<p>Satisfactory</p>

<p>Sufficient manoeuvrability must be provided to allow vehicles to enter and leave the site in a forward direction without the need for more than a single point turn.</p>		
<p><u>6.15 Adaptable Housing</u></p> <p>10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents</p>	<p>9 units are adaptable units which equates to 64%.</p> <p>11 accessible car parking spaces are provided to support the adaptable units. An Accessibility Report accompanied the DA and confirms compliance with the relevant legislative requirements.</p>	<p>Satisfactory</p>
<p><u>6.16 Access for People with a Disability</u></p> <ul style="list-style-type: none"> <li>The provision of continuous path of travel is required to the development to ensure equitable access for all people including people with a disability</li> </ul>	<p>Access certification has been submitted in support of the application, stating the proposal complies with AS4299. Nine (9) adaptable units are proposed, in addition to accessible parking within the basement</p> <p>Lift access is provided to all levels.</p>	<p>Satisfactory</p>
<p><u>6.17 Apartment Size and Layout Mix for Larger RFB Developments</u></p> <ul style="list-style-type: none"> <li>Studio/ 1 bedroom units must not be less than 10% of the total mix of units</li> <li>Three or more bedroom units must not be less than 10% of the total mix of units</li> </ul>	<p>Refer Apartment Design Guide for apartment sizes. (Variation request in relation to unit mix is supported)</p>	<p>Satisfactory</p>

## CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

### 2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>2.1 General</u></p>		
<p><u>2.2 Building to street alignment and street setbacks</u></p> <ul style="list-style-type: none"> <li>4m minimum setback</li> <li>Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible</li> </ul>	<p>The building is set back min 4.5m at Marr Street frontage and min 6.8m at Gipps Street frontage. No balconies protrude into front building setbacks.</p>	<p>Yes</p>
<p><u>2.3 Street frontage heights in commercial core</u></p>	<p>N/A</p>	<p>N/A</p>

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>																		
<p><u>2.4 Building depth and bulk</u></p> <ul style="list-style-type: none"> <li>Max floor plate size 900sqm above 12m building height; max depth 18m</li> </ul>	<p>The maximum floor plate of the building is 258.1m<sup>2</sup>.</p> <p>The maximum building depth is 13m.</p>	Yes																		
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <table border="1"> <tr> <td colspan="3">Residential uses up to 12m in height</td> </tr> <tr> <td>- habitable rooms with openings and balconies</td> <td>6m</td> <td>6m</td> </tr> <tr> <td>- non-habitable rooms and habitable rooms without openings</td> <td>3m</td> <td>4.5m</td> </tr> <tr> <td colspan="3">Residential uses between 12m &amp; 24m</td> </tr> <tr> <td>- habitable rooms with openings and balconies</td> <td>9m</td> <td>9m</td> </tr> <tr> <td>-non-habitable rooms and habitable rooms without openings</td> <td>4.5m</td> <td>4.5m</td> </tr> </table>	Residential uses up to 12m in height			- habitable rooms with openings and balconies	6m	6m	- non-habitable rooms and habitable rooms without openings	3m	4.5m	Residential uses between 12m & 24m			- habitable rooms with openings and balconies	9m	9m	-non-habitable rooms and habitable rooms without openings	4.5m	4.5m	Refer to ADG Assessment	Yes
Residential uses up to 12m in height																				
- habitable rooms with openings and balconies	6m	6m																		
- non-habitable rooms and habitable rooms without openings	3m	4.5m																		
Residential uses between 12m & 24m																				
- habitable rooms with openings and balconies	9m	9m																		
-non-habitable rooms and habitable rooms without openings	4.5m	4.5m																		
<u>2.6 Mixed used buildings</u>	N/A	N/A																		
<p><u>2.7 Deep soil zone (DSZ)</u></p> <ul style="list-style-type: none"> <li>All residential developments must include a DSZ</li> <li>The DSZ shall comprise no less than 15% of the total site area preferably provided in one continuous block with minimum dimension of 6m.</li> <li>Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature trees.</li> <li>No structures, works or excavations that may restrict vegetation growth are permitted in the DSZ</li> </ul>	DSZ is provided along the full length of the southern boundary with min depth of 3m and area of 202m <sup>2</sup> (17% of site area) which is compliant with ADG DSZ requirements.	No. It is noted that the area of DSZ meets ADG requirements.																		
<u>2.8 Landscape design</u>	Landscape plan provides an appropriate landscape treatment for the site.	Yes																		
<u>2.9 Planting on structures</u>	Not applicable in Residential zones	N/A																		
<u>2.10 Sun access planes</u>	N/A	N/A																		
<p><u>2.11 Development on classified roads</u></p> <p>Vehicles access to be provided from a road other than a Classified Road</p>	Neither Marr Street or Gipps Street are classified Roads.	Satisfactory																		

### 3 Pedestrian amenity

Objectives/controls	Comment	Compliance
<u>3.1 General</u>		
<u>3.2 Permeability</u>	No identified site links affect the site	N/A
<u>3.3 Active street frontages</u>		
<ul style="list-style-type: none"> <li>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.</li> <li>Provide multiple entrances for large developments including an entrance on each street frontage.</li> </ul>	<p>The apartments have a clear street address; have balconies and/or primary living areas overlooking both street frontages.</p> <p>Direct pedestrian access to the development is provided from Gipps Street to a lobby area at ground level.</p>	Yes
<u>3.4 Safety and security</u>		
	<p>Natural surveillance will be available from balconies and living areas which are oriented towards both street frontages.</p> <p>There is a legible and secure common entry area and secure basement access.</p>	Yes
<u>3.5 Awnings</u>	N/A	N/A
<u>3.6 Vehicular footpath crossings</u>		
<ul style="list-style-type: none"> <li>1 vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted</li> <li>Double lane crossing with a maximum width of 5.4 metres may be permitted</li> <li>Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade.</li> <li>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.</li> </ul>	<p>1 entry point only proposed to Marr Street. Driveway crossing width is 6m.</p> <p>The roller shutter location is setback 6m from the building façade.</p>	Yes
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	N/A	N/A
<u>3.8 Building exteriors</u>		
<ul style="list-style-type: none"> <li>Adjoining buildings are to be considered in the design of new buildings</li> <li>Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings.</li> </ul>	<p>The development has been designed to reflect the desired future character for the locality as outlined in the applicable planning controls and more contemporary</p>	Yes

<ul style="list-style-type: none"> <li>• Gardens on the top of setback areas or buildings are encouraged</li> <li>• Articulate facades so that they address the street and add visual interest.</li> <li>• Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.</li> <li>• materials sample board and schedule is required to be submitted with applications for development over \$1 million.</li> <li>• The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building</li> </ul>	<p>development in the local area. It is noted that the proposal has been reviewed by the DRP who were generally supportive subject to some plan amendments which have now been included on the amended plans. Balconies and/or terraces are provided to all units. A colour &amp; material schedule has been provided. The lift overrun and services are integrated into the overall building design.</p>	
<p><u>3.9 Advertising and signage</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>3.10 Views and view corridors</u> Existing views shown in Figure 3.12 are to be protected to an extent that is practical. Align buildings to maximise view corridors between buildings</p>	<p>The site is located within an identified viewing corridor from Flagstaff Hill toward the escarpment. The scale, height and bulk of the building are acceptable when considered with regard to the development controls. Setbacks are compliant. It is not anticipated that the proposed building will have any significant view loss impacts.</p>	<p>Yes</p>

**4 Access, parking and servicing**

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>4.1 General</u></p>		
<p><u>4.2 Pedestrian access and mobility</u></p> <ul style="list-style-type: none"> <li>• Main building entry points should be clearly visible from primary street frontages and enhanced with awnings, signage or high quality architectural features</li> <li>• Disabled persons' car parking and facilities must comply with the relevant Australian Standard</li> <li>• Must feature at least one main pedestrian entrance with convenient barrier-free access to at least the ground floor.</li> <li>• must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.</li> <li>• 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</li> </ul>	<p>Pedestrian entry is clearly visible from Gipps Street. The ground level is clearly defined with high quality finishes. Disabled persons' access to and within the building are compliant along with the required disabled persons car parking.</p>	<p>Yes</p>

accordance with Council's Public Domain Technical Manual.		
<u>4.3 Vehicular driveways and manoeuvring areas</u>	Driveways and manoeuvring areas are compliant	Yes
<u>4.4 On-site parking</u> On-site parking is to be accommodated underground, or otherwise integrated into the design of the building.	Basement parking provided – refer to Chapter E3 assessment below.	Yes
<u>4.5 Site facilities and services</u>  <i>Mail boxes</i> – provide in an accessible location adjacent to the main entrance; integrated into a wall where possible and be constructed of materials consistent with the appearance of the building. Letterboxes to be secure and of sufficient size <i>Communication structures, air conditioners and service vents</i> - locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.	The building is serviced by the major utilities and the proposal is not expected to result in any need to augment these services.  A suitable location for letter boxes is provided that meets the requirements of the DCP.  Solar panels are provided on the roof as recommended by DRP however these are not considered to be obtrusive.	Yes

## 5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 General</u>		
<u>5.2 Energy efficiency and conservation</u>	The proposal is not expected to result in significant energy consumption. BASIX certificates submitted indicate the BASIX targets are satisfied by the proposal	Yes
<u>5.3 Water conservation</u>	The proposal is not expected to result in significant water consumption. BASIX certificates submitted indicate the BASIX targets are satisfied by the proposal	Yes

<u>5.4 Reflectivity</u>	No concerns are raised in regards to material reflectivity. Conditions are recommended for imposition	Yes with conditions
<u>5.5 Wind mitigation</u>	No concerns are raised in this regard. Wind impact statement not required	Yes
<u>5.6 Waste and recycling</u>	Waste management arrangements are satisfactory	Yes

#### **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

The applicant has provided an access report prepared by a suitably qualified access consultant confirming the building has been designed suitably for access, and that nine (9) of the units are capable of being adapted if necessary, to meet the requirements of the ADG and WDCP 2009.

#### **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	No lighting shown and not considered necessary having regard to the configuration of the building. It is likely that some lighting will be provided at the main entrance to the building and within the car park	Yes
<u>3.2 Natural surveillance and sightlines</u>	Opportunities for natural surveillance of Gipps Street and Marr Street will be readily available from the ground level terrace areas and balconies above.	Yes
<u>3.3 Signage</u>	No signage is proposed in this application.	N/A
<u>3.4 Building design</u>	Building is appropriately designed with regard to CPTED principles	Yes
<u>3.5 Landscaping</u>	Landscaping treatment proposed is appropriate having regard to CPTED matters and to the nature of the building.	Yes
<u>3.6 Public open space and parks.</u>	N/A	N/A
<u>3.7 Community facilities and public amenities</u>	N/A	N/A
<u>3.8 Bus stops and taxi ranks</u>	N/A	N/A

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

Objective 3J-1 of the ADG allows that sites within 400m of lands zoned, B3 or B4 in a nominated regional centre, may provide the minimum car parking requirement for residents and visitors is set out in the RTA's Guide to Traffic Generating Development. However as the site is not within 400m of land zoned B3 or B4, Council's DCP applies in respect of car parking requirements.

	<i>Rate</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Resident:	1 space per dwelling (70-110m <sup>2</sup> )	3 x 1 = 3	17	Y
	1.25 spaces per dwelling (>110m <sup>2</sup> )	11 x 1.25 = 13.75		
Visitor:	0.2 per dwelling	2.8	3	Y
<b>TOTAL</b>		<b>19.5</b>	<b>20</b>	<b>Y</b>
Resident:	1 per 3 dwgs (resident)	4.6	5	Y
Visitors:	1 per 12 dwgs (visitor)	1.2	2	Y
<b>TOTAL</b>		<b>5.8</b>	<b>7</b>	<b>Y</b>
		1	1	Y
<b>TOTAL</b>	<b>1 per 15 dwgs</b>	<b>1</b>	<b>1</b>	<b>Y</b>

### CHAPTER E6: LANDSCAPING

The landscape plans has been reviewed by Council's Landscape Officer and is satisfactory subject to conditions.

### CHAPTER E7: WASTE MANAGEMENT

The applicant has submitted a Site Waste Minimisation and Management Plan as required by the DCP. This plan deals with demolition and construction waste as well as ongoing waste management associated with the occupation of the development. Bins will be stored within a common bin storage area in the basement and will be moved to the street for collection by the standard domestic waste collection service. The plan has been reviewed by Council's Traffic Section and is satisfactory with regard to ongoing waste management.

### CHAPTER E9: HOARDINGS AND CRANES

If the application were to be approved, it is recommended that conditions be imposed requiring the developer to liaise with WorkCover in relation to the use of any hoardings or cranes.

### CHAPTER E11: HERITAGE CONSERVATION

The site is within proximity of 2 heritage items as discussed above. The heritage impact statement provided by the applicant has concluded that there will not be significant impact on the heritage items which are Item No.6585 ( Dwelling house at 13 Gipps Street) and Item No. 6512 (row of canary island date palms in Gipps Street).

## **CHAPTER E12: GEOTECHNICAL ASSESSMENT**

There are no known site geotechnical constraints. Council's geotechnical engineer has reviewed the submitted geotechnical report and has raised no objections to the proposal. Standard conditions are recommended for imposition in this regard.

## **CHAPTER E13: FLOODPLAIN MANAGEMENT**

The site is not mapped as being flood affected.

## **CHAPTER E14: STORMWATER MANAGEMENT**

The proposal has been considered by Council's Stormwater Engineer in relation to the requirements of Chapter E14. Council's Stormwater Officer has reviewed the application and initially raised a number of concerns which have since been resolved through an amended stormwater design which is considered satisfactory.

## **CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)**

Excavation is proposed to give effect to the proposed basement car park. No concerns are raised in relation to the earthworks proposed when considered with regard to the requirements of this DCP chapter.

## **CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT**

The applicant has submitted a Site Waste Minimisation and Management Plan as required by the DCP. This plan deals with demolition and construction waste and indicates that there may be some hazardous materials, most likely asbestos, within the existing dwellings to be demolished. These will be appropriately disposed of by an appropriately qualified contractor.

If approved, conditions of consent will be required to be imposed in relation to the appropriate handling, storage and disposal of demolition wastes including any hazardous materials. This would include the requirement to comply with AS1901.

## **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.

## Attachment 7 – Draft Conditions

Consent has been granted subject to the following conditions:

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2018-25 Drawing A101-B to A-107-B, A101a-A and A-201-B to A-205-B dated 22 February 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 3 September 2018 by Douglas Partners 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 A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- d All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- e Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- f Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- g All earthworks including drainage and retaining wall construction is to be subject to geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- h Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.

#### 3 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.

#### 4 Tree Retention/Removal

The developer shall retain the existing trees indicated on the Arboricultural Impact Assessment Report by Allied Tree Consultancy dated August 2018 and the Landscape Concept Plan by Ochre Landscape Architects dated 20 February 2019 consisting of trees numbered T1(street tree) and T3 – T8.

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

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

All recommendations in Arboricultural Impact Assessment Report by Allied Tree Consultancy dated August 2018 to be implemented including and not restricted to: remedial tree pruning,

deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered T2 (street tree) and T9 – T12 as indicated on the Arboricultural Impact Assessment Report by Allied Tree Consultancy dated August 2018 and the Landscape Concept Plan by Ochre Landscape Architects dated 20 February 2019. No other trees shall be removed without prior written approval of Council.

5 **Street Tree Removal**

The developer shall remove the existing street tree indicated on the Arboricultural Impact Assessment Report by Allied Tree Consultancy dated August 2018 and the Landscape Concept Plan by Ochre Landscape Architects dated 20 February 2019 consisting of tree numbered T2 (the southern-most street tree on Marr Street).

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

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

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

6 **Flows from Adjoining Properties**

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

7 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement level. This applies to any proposed opening such as doors or ventilation louvres

8 **Pump System**

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

9 **Present Plans to Sydney Water**

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

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

10 **Car Parking and Access**

The development shall make provision for a total of 20 car parking spaces including 1 motorcycle parking space, 5 secure (Class B) residential bicycle spaces and 2 visitor bicycle spaces (Class C). This requirement shall be reflected on the Construction Certificate plans. Any change in the above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

- 11 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.
- 12 The edge of the driveway must be provided with a hob or dish drain to prevent surface water flows from entering the adjoining property and to direct local surface water runoff flows to the site stormwater drainage system. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.
- 13 **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.
- 14 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.
- 15 **Details of Proposed Pit and Pipeline**  
Details of the proposed connecting pipeline to the Council pit, within the existing drainage system 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.
- 16 **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.
- 17 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.
- 18 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.
- 19 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.
- 20 **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.
  - b Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be

submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- c Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- d Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

21 **Street Tree Establishment Period – City Centre**

- a 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.
- b The program must include the following elements: watering, weeding, mulching, fertilising, tree guard and grille maintenance, and pest and disease control.
- c Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

22 **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.
- 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.

22 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.

23 **Property Addressing Policy Compliance**

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

24 **Footpath Paving City Centre**

The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Wollongong City Council Public Domain Technical Manual.

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

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

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

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

25 **Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development three (3) *Glochidion ferdinandii* on Gipps Street if there are no aerial services, or three (3) *Tristaniopsis laurina* 'Luscious' if there are aerial services, and one (1) additional *Glochidion ferdinandii* on Marr Street 200 litre container size in accordance with AS 2303:2015 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Works.

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

26 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

27 **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 Stormwater Drainage Plans, prepared by Jones Nicholson Consulting Engineers, Reference No. 18020025 C01, C02, C03 and C04, revision P5, dated 14 February 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 and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

28 **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-2019/15
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

29 **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.

30 **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.

31 **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.

32 **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.

33 **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.

34 **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](http://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.

**Development Contributions**  
Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$44,260.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1036971	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
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](http://www.wollongong.nsw.gov.au)

### Prior to the Commencement of Works

#### 36 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.

#### 37 Support for Neighbouring Buildings

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

#### 38 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.

#### 39 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.

- 40 **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.

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

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

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

### **During Demolition, Excavation or Construction**

- 42 **Stormwater Connections**  
All stormwater connections to Council's stormwater drainage system shall be constructed in accordance with good engineering practice. The developer shall ensure that the condition of the stormwater drainage system is not compromised and that the service life of the stormwater drainage system is not reduced as a result of the connection.
- 43 **Protection of Council Infrastructure**  
The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Wollongong City Council's Development Engineering Manager shall be notified immediately in the event of any damage to Council's assets. Any damage to Council's assets shall be restored to the satisfaction of Council, with all associated costs borne by the developer.
- 44 **Supervision of Engineering Works**  
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.
- 45 **Piping of Stormwater to Existing Stormwater Drainage System**  
Stormwater for the land must be piped to Council's existing stormwater drainage system.
- 46 **No Adverse Run-off Impacts on Adjoining Properties**

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

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

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

The 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.

48 **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.

49 **Screen Planting**

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

Recommended species:

- i. *Syzygium australe* "Resilience".

Minimum spacing 900mm.

Minimum pot size 25 lt.

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

50 **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

51 **Pipe Connections**

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

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

52 **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.

53 **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.

54 **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.

55 **Occupation Certificate**

A 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.

56 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, five 100 litre container mature plant stock shall be placed along the northern property boundary of the site. The suggested species are *Brachychiton acerifolius* or any other Illawarra escarpment species that grows 8 - 10m in height.

57 **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.

58 **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.

59 **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.

60 **Completion of Landscape Works – City Centre**

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 be 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.

61 **Drainage WAE**

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

62 A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

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