

Wollongong Local Planning Panel Assessment Report | 20 April 2021

WLPP No.	Item 3
DA No.	DA-2020/1292
Proposal	Mixed use development
Property	40-46 Crown Street WOLLONGONG
Applicant	ADM Architects
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (BH)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Schedule 2 (3), (4 b) of the Local Planning Panels Direction of 30 June 2020. The proposal is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies a contains a departure to a development standard of more than 10% being the building separation requirement of clause 8.6 of Wollongong Local Environmental Plan 2009.

Proposal

The development application seeks approval for demolition of existing structures and construction of a mixed-use development.

Permissibility

The site is zoned B4 Mixed Use zone, pursuant to Wollongong Local Environmental Plan 2009. The proposal is permissible with consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and six (6) submissions in objection were received following Notification.

RECOMMENDATION

It is recommended that the application be approved subject to conditions contained in Attachment 9.

1 APPLICATION OVERVIEW

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
- SEPP (Coastal management) 2018

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

Wollongong Development Control Plan 2009

Other policies

- Wollongong Development Contributions Plan 2020

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the Demolition of all existing buildings, and:

- Construction of a nine (9) storey mixed use commercial/residential development, consisting of two (2) levels of basement parking, ground floor commercial/retail premises, with residential apartments above (i.e. shop top housing);
- The residential component comprises eight (8) levels and incorporates a total of 40 residential apartments;
- The dwelling mix includes six (6) x one (1) bedroom, ten (10) x two (2) bedroom apartments, and twenty-four (24) x three (3) bedroom apartments;
- Podium level communal open space and garden areas; and
- 2 levels of Basement and undercroft parking for a total of sixty-two (62) cars, with additional bicycle parking (18 spaces) and motorbike (3 spaces) parking.

Pedestrian access is available to the individual commercial spaces from the respective street frontages whilst a residential foyer on Queens Parade provides access to the dwellings above. Vehicular access to the development is provided via a combined ingress/egress driveway off Queens Parade, located towards the northern boundary of the site.



Figure 1 - photomontage of proposed development as viewed from south east

1.1 BACKGROUND

No pre-lodgement meetings were held for the proposal. The site has numerous approvals which are unrelated to 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 40-46 Crown Street Wollongong and the title reference is Lot 100 DP1006976 and Lot 2 DP 150574. The two lots form an L-shaped corner allotment with a total area of 1,936m². The overall site has a 40.32m frontage to Crown Street to the south, and 56.9m frontage to Queens Parade to the east.

The site, which currently contains a motor showroom and a commercial premise, is located on the corner of Crown Street and Queens Parade. The site is regular in shape and has a fall of approximately 2m from the northern boundary to the southern boundary (Crown Street frontage).

Adjoining development is as follows:

- North: Laneway associated with 121 – 123 Corrimal Street (Liquorland Wollongong facing Corrimal Street) and an open carpark on Queens Parade.
- East: Queens Parade. On the eastern side of Queens Parade is the Xavier centre and Wollongong cathedral.
- South: Crown Street. On the southern side of Crown Street is a recently constructed Mixed use development.

- West: 3 storey heritage listed commercial building (Item No. 6473) known as Comelli Bros Building, 48 – 50 Crown Street. This building is occupied by a range of commercial, retail and food and drink premises.

The locality is characterised by multi storey mixed use developments to the south and southeast and smaller scale commercial /retail development to the north and west. East of the site in Queens Parade is St Francis Xavier Catholic Church and associated facilities. Further to the east is the WIN Entertainment Centre and WIN Stadium.

Property constraints

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

- Council records identify the land as being impacted by acid sulphate soils.
- Flooding: The site is identified as being located within an unspecified flood risk precinct. Council’s Stormwater Officer has reviewed the application in this regard and did not raise any concerns providing a satisfactory referral subject to conditions.

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

1.3 SUBMISSIONS

The application was notified in accordance with Council’s Community Participation Plan 2019. Six (6) submissions were received all in objection with two (2) from the same household. The issues identified are discussed below.

Table 1: Submissions

Concern	Comment
Inadequate Notification	Concerns have been raised that no signs were placed on the site and that inadequate time has been provided to allow submissions to be made. The proposal was notified in accordance with Council’s Community Participation Plan 2019 and this does not require the placement of a sign on the site.
Too many high-rise developments	Concern has been expressed that there are already too many apartment buildings in the vicinity including one opposite the site. The subject site is zoned to allow mixed use developments and the immediate locality is considered capable of supporting the development which will provide additional housing opportunities within the city centre.
Traffic/Car parking	Concerns are raised in relation to additional traffic likely to be generated by the development with reference made to lower Crown Street and Queens Parade being used for parking by people attending nearby restaurants, WIN Entertainment Centre and the beach etc. Notwithstanding these concerns the proposal meets the requirements of Council’s DCP and the Apartment Design Guide in relation to the provision of car parking.
Heritage Impacts	Impact on the adjacent heritage listed building has been raised as an issue. Council’s heritage officer has considered this and not raised any concerns other than to request the

Concern	Comment
	applicant to reduce the height of the Crown Street façade adjacent to this building to ensure that it present are a separate building. The plans have been amended and are now acceptable to Council’s Heritage Officer in this regard.
Architectural merit	Some submissions are critical that Wollongong is turning into a city of high-rise apartment complexes which lack aesthetic consistency. It is acknowledged that architectural design is subjective. One submission states that the proposal is a “nice looking building’. The appraisal of the design by the Design Review Panel finds the proposal to be an appropriate design aesthetic and one which appropriately addresses its context.
Noise	One submission raises concerns about the proximity of the proposed building to “the Crown” opposite the subject site on the corner of Crown and Corrimal Streets. This it is believed will result in noise being bounced around in a narrow ‘canyon’. The subject developments are separated by Crown Street and adequate spatial separation is provided in order to prevent noise impacts. There is a notation on all planning certificates advising that future residents should be aware that these uses may generate noise, odour, traffic and have longer hours of operation, which is part of living in/near a commercial centre.
Overshadowing	Concerns are raised that 31 Crown Street will be badly shaded in winter. The shadow diagrams and suns eye views provided with the application do not support the view that overshadowing impacts on 31 Crown Street will be unacceptable. Number 31 will continue to receive solar access in accordance with the planning controls post construction.
Privacy	A resident of 31 Crown Street has raised an issue in relation to privacy impacts from the development. The separation between the subject development and 31 Crown Street is not considered likely to result in any adverse privacy impacts beyond those which would be anticipated in any high-density residential precinct.

Consultation

1.3.1 INTERNAL CONSULTATION

Council’s Geotechnical, Stormwater, Landscape, Environment, Strategic and Heritage officers have reviewed the application providing generally satisfactory referrals. In some instances, additional information was requested and subsequently provided by the applicant. Conditions of consent which have been recommended by Council’s specialist officers have been included in the draft set of conditions which forms Attachment 9.

1.3.2 EXTERNAL CONSULTATION

Endeavour Energy

Endeavour Energy has provided comments on the proposal and raised no concerns. The applicant has been advised by Endeavour Energy that a substation is not required as there is sufficient spare capacity in existing system to cater for proposed additional load generated by the development. The applicant was requested to accept a condition requiring removal of the power pole from the street frontage. The applicant responded by noting that the design brief received from Endeavour Energy requires the removal of the current power pole and replacement with smaller pole to be located on the northern boundary of the property /southern boundary of the Liquorland Strata property. The smaller pole is to be positioned to provide structural support of the power poles further up the street. Therefore, the complete removal of the pole cannot be achieved.

Design Review Panel

The application was reviewed by the Design Review Panel (DRP) on 30 November 2020. The Panel endorsed the basic site planning principles adopted by the applicant and indicated that 3-story street wall to Crown street and the 10-storey tower to Queens Parade both respond appropriately to the immediate context of the site. The Panel advised that they are satisfied the proposal exhibits design excellence noting that a few areas required further development including:

- Resolution of pedestrian entry area to increase its size and make it more legible from the street.
- Further details of site levels at the corner of Crown Street and Queens Parade
- Address the provision of a blank wall adjacent to the carpark on the Queens Parade frontage and allow natural light to the pedestrian ramp existing the car park.
- Removal of the blade wall on the Queens Parade façade
- Clarify compliance with solar access to some units
- Provide a more direct entry for residents entering the two storey Crown Street apartments
- Amend the typology of the penthouse apartments to allow reduced balconies are less dominant roof form.

These issues were addressed by the applicant and amended plans were subsequently submitted on 12 February 2021. On review by Councils assessment officer and in-house design expert, it was considered that the amended plans satisfactorily addressed the matters raised by the Panel and that a further consideration by the Panel was not required. Notwithstanding, Council's design expert recommended that the applicant be requested to make some further design changes, primarily in relation to roof design, which were addressed by way of further amended plans received on 26 March 2021.

The DRP notes are included as Attachment 4 with the applicant's responses being provided as Attachment 5. 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

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

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW

Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1-hectare minimum lot size).

No native vegetation is proposed to be cleared for the development. The minimum subdivision lot size for the land under WLEP 2009 is 449sqm. Therefore, the proposal does not trigger the requirement for a biodiversity offset scheme and the site is not identified as being of high biodiversity value on the Biodiversity Values Map.

The development is therefore not considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

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

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

The subject site has a history of use as a motor vehicle dealership which includes car servicing. The applicant has submitted a Preliminary Site Investigation (PSI) report which included soil samples. The analysis of the soil samples complies with the NHMRC guidelines for residential development. The PSI report was peer reviewed by certified site contamination consultant who concurred the finding and recommendations of PSI report.

Council's Environment Officer has reviewed the report and, given that the proposal requires excavation more than 7.0 metres below ground level to construct a two-level car park, a condition of consent has been recommended in relation to disposal of excavated material. In addition, prior to issues of a Construction Certificate the applicant will be required to prepare an unexpected finds protocol (UFP) and submit a copy to the Principal Certifier and Council. The applicant has been requested to provide a remediation action plan (RAP) which has yet to be submitted.

Subject to the submission of a RAP, no concerns are raised regarding contamination related to the intended residential use of the land and 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 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 28(2)(a) of the SEPP and are discussed below.

Principle 1: Context and neighbourhood character

The proposal has been designed in relation to the desired future character of the area as set out by Wollongong Local Environmental Plan 2009. The proposal provides for residential apartments over commercial / retail uses on the ground level consistent with the objectives of the B4 Mixed Use zone. The siting of the building on the "L" shaped allotment appropriately relates to the two street frontages and the adjacent heritage building. The podium façade comprises highly detailed brickwork which will enhance the pedestrian experience and reinforces the existing height datum of the adjoining heritage building. The building will complement the existing character of the location through considered modulation and façade treatment. The proposal responds to the existing urban fabric and built form context of the lower Crown Street location with the Wollongong City Centre.

The proposal is considered to be consistent with the desired future character of the area as identified through the development standards and controls applicable to the land.

Principle 2: Built form and scale

The bulk and scale of the development is consistent with the applicable planning controls for the area.

The proposed built form addresses the immediate context by siting the higher component of the street corner and the three (3) storey section adjacent to the existing heritage building in Crown Street. The building is considered appropriate in the broader context of the subject part of Crown Street which forms a transition from higher scale mixed use apartment buildings to lower scale community buildings and entertainment and sporting facilities.

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

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

The proposal is considered acceptable regarding sustainable design as follows:

- BASIX Certificates provided indicating minimum requirements are met.
- Apartments have been designed to maximise thermal performance and reduce greenhouse emissions in line with the Apartment Design Guide requirements.
- A Site Waste Management and Minimisation Plan has been provided indicating recycling of materials from the demolished dwellings.
- The proposal does not adversely impact on any heritage items or environmentally sensitive areas
- The proposal is an efficient use of land in a location that is close to services and public open space.

Principle 5: Landscape

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

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 7).

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.

Principle 7: Safety

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

Apartment types range from 58m² to 122m² and configured as 1, 2 and 3 bedroom units. 4 Units (10%) of units are provided accessible units. The mix of unit sizes and layouts complies with WDCP 2009 and is appropriate to the locality.

Principle 9: Aesthetics

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 Council's design expert and is now acceptable.

An assessment of the application against the ADG is contained within Attachment 7 to this report.

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

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

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

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site is mapped as being within the Coastal Use area.

Division 4 clause 14 applies to coastal use areas and provided that consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on safe public access, overshadowing, wind funnelling, and loss of views, visual amenity, Aboriginal heritage and cultural and built environment heritage.

The development can be managed (via conditions) to avoid an adverse impact referred to in subclause 1, subclause 2 is not applicable. All matters detailed in clause 1 are considered satisfactory.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 31 December 2021.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope is not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity at the 2010/ 2015/2100 timeline.

Minimal adverse impact on the coastal environment is anticipated as a result of the proposed development.

Minimal adverse impacts on the development are expected as a result of coastal processes

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

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 B4 Mixed Use.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

The proposal is satisfactory with regard to the above objectives.

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

Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; **Shop top housing**; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

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

Clause 1.4 Definitions

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

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 31.3m does not exceed the maximum of 32m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 2.58:1 (see clause 4.4A below)

Site area: 1936m²

GFA: 4987.1m²

FSR: $4987.1\text{m}^2 / 1936\text{m}^2 = 2.576:1$

Clause 4.4A Floor space ratio – Wollongong city centre

(1) This clause applies to land within the Wollongong city centre.

(4) The maximum floor space ratio for a building on land within a business zone under this Plan, that is to be used for a mixture of residential purposes and other purposes, is—

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

where—

NR is the percentage of the floor space of the building used for purposes other than residential purposes.

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

R is the percentage of the floor space of the building used for residential purposes.

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

$(3.5 \times 8.72/100) + (2.5 \times 91.28/100):1 = 2.58$

2.58:1 is therefore the maximum floor space ratio.

The site has an area of 1936m² therefore the maximum floor space permitted at 2.58:1 is 4,994.9m².

FSR applicable to the proposed development is 2.58:1 (or 4994.9m²). The development proposes 4987.1m² including one (1) surplus residential car space. The proposal therefore complies with the floor space ratio standard.

Clause 4.6 Exceptions to development standards

The application includes a request to vary Clause 8.6 Building Separation of WLEP 2009. The applicant's Variation Request forms Attachment 6 and the request is addressed Part 7, Clause 8.6 below.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The site is not heritage listed nor is it located within a heritage conservation area. There are a number of listed items of environmental heritage within the vicinity of the site identified in Figure 1 below. These are: -

- Comelli Bro's Building (6473)
- Former Post Office (5910) (state heritage listed)
- Alice Villa (6234)

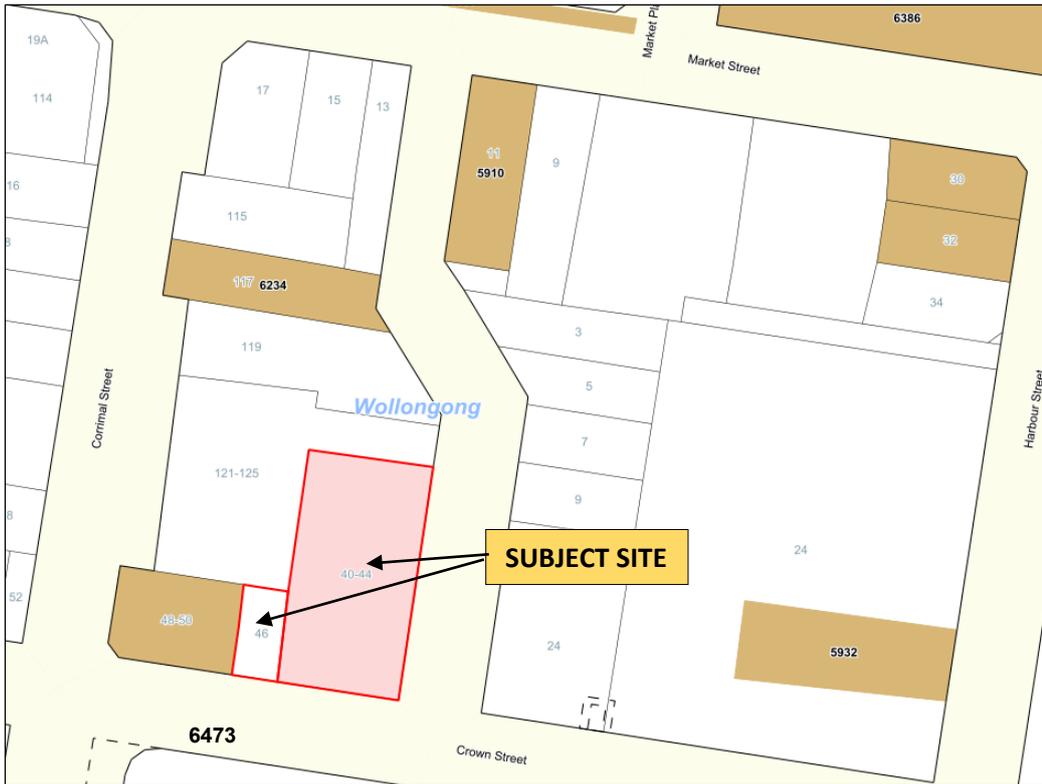


Figure 2 - Site in context of surrounding heritage items



Figure 3 - Photomontage showing relationship to adjacent heritage item

Council has considered Impacts on the adjacent heritage listed buildings. No concerns are raised other than to request a reduction of the height of the Crown Street façade adjacent to this building to ensure that it presents as a separate building. The plans have been amended and are now acceptable to Council's Heritage Officer in this regard.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

This clause seeks to ensure that sufficient infrastructure is available to service development and requires that consent not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

The site is already serviced by electricity, water and sewerage services. It is expected that the existing utility services can be augmented to support the proposed development. Conditions recommended requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service the site.

Clause 7.3 Flood planning area

The site is flood affected and part of the land is below the “flood planning level”, being the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Council’s Stormwater Engineer has assessed the application in this regard and has not raised any objections subject to appropriate conditions of consent.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required. Council’s Environment Officer has reviewed a Preliminary Environmental Site Assessment prepared by consultants for the site and is satisfied with the recommendations made. Appropriate conditions of consent are recommended in this regard.

Clause 7.6 Earthworks

The proposal involves excavation to facilitate the provision of the building’s two levels of basement car parking. The earthworks have been considered in relation to the matters for consideration outlined in Clause 7.6 and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land. Council’s Geotechnical Engineer has considered the application and has provided a satisfactory referral subject to conditions.

Clause 7.13 Certain land within business zones

The objective of Clause 7.13 is to ensure active uses are provided at the street level to encourage the presence and movement of people. The clause prevents development consent from being granted unless the consent authority is satisfied that the ground floor of the building:

- (a) will not be used for the purpose of residential accommodation, and*
- (b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.*

The proposal provides active uses at ground floor level which address both Crown Street and Queens Parade. The requirements of this clause are therefore satisfied.

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

The site is located within the Wollongong city centre and is subject to this clause, the objective of which is to deliver the high standards of architecture and urban design.

Under this clause, the proposed development has been considered by the Design Review Panel (DRP). The DRP and Councils design expert were generally supportive of the design intent however some additional revision was required to address some elements of the proposal. The applicant addressed these issues in amended plans submitted on 12 February 2021 and the proposal is considered to be consistent with the provisions of Clause 7.18 as follows:

- The site is suitable for the development

- The use is compatible with the existing and likely future uses in the locality
- There are no adverse impacts on the adjacent or surrounding heritage buildings.
- The proposal is not expected to result in any adverse environmental impacts.
- The proposal is satisfactory with regard to access, servicing and parking
- No impacts are expected on the public domain.

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 proposal is considered to satisfy the above objectives.

Clause 8.4 Minimum building street frontage

Clause 8.4(2) provides that *“Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.”*

The subject site has a frontage of greater than 20m to both Crown Street and Queens Parade.

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

The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. The clause allows the building to be built to the boundary up to the street frontage height, and above that requires a 12m building separation from the street frontage height to 45m, and a 28m building separation distance above 45m in height. The proposed building setbacks in relation to the requirements of Clause 8.6 are:

2 (a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and

Nil separation to adjacent building in Crown Street

(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and

North West: 11.5m (from Level 1) 12.05m (from Level 2)

(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

N/A

3. Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—

- (a) 20 metres from any habitable part of a dwelling contained in any other building, and
- (b) 16 metres from any other part of any other building.

The proposed development contains residential and the existing development to the north west of the site (121-123 Corrimal Street) is commercial development with no residential component. The required separation is therefore 16m and proposed separation from 121-123 Corrimal Street is 11.5m from Level 1 of Unit 111 and 12.05m from Level 2 of Unit 111 (see diagram below).



Figure 4 - Level 2 Building separation



Figure 5 - Level 1 Building separation

- (3) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.
- (4) In this clause street frontage height means the height of that part of a building that is built to the street alignment.

As indicated above, the building separation is not compliant, and the applicant has submitted a Clause 4.6 Variation which forms Attachment 6.

The development departure in relation to Clause 8.6 is dealt with in the table below: -

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building Separation
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes. The applicant's request contains this justification. In summary the justification relies on compliance with the building separation standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development is consistent

	<p>with the objectives of the standard despite the non-compliance.</p> <p>The applicant states that:</p> <p>The overall envelope of the building is of an appropriate design and scale which reflects the site's constraints (notably is position adjacent to a 3-storey heritage building) and permissible yield in terms of GFA and building height enabled by WLEP 2009.</p> <p>The separation of podium and tower assist in creating an aesthetic quality which will sit comfortably in its surrounding scale and context, as well as respond to the surrounding developments both historic and newly constructed.</p> <p>It is further suggested that Council has effectively abandoned the building separation standard by consistently varying it in a number of recently approved commercial and mixed-use developments within the city centre.</p>
<p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>The applicant presents arguments in relation to the unique circumstances of the site in that, if building separation requirements to dwellings to the west and north were adopted a large part of the site would be excluded from any built form. This would be impractical for a B4 mixed use site. Further, it is demonstrated the proposed development will achieve FSR and height controls and the massing and modulation of the building will not result in adverse any unreasonable loss of amenity to any adjoining properties.</p>
<p>4.6 (4) (a) Consent authority is satisfied that:</p>	
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The applicant's request has adequately addressed the matters required to be addressed by subclause (3).</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The objective of clause 8.6 is <i>to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i></p> <p>The proposed development will be in the public interest because it is consistent with the objectives of the building separation standard and the objectives for development within the B4 zone. The building is not expected to compromise the development potential of neighbouring sites. On balance, it will provide for an improved relationship with significant nearby buildings, particularly the adjacent heritage listed Comelli Bro's Building to the west.</p> <p>The development, despite the non-compliance with the building separation standard, will be consistent with the objectives of that standard. The visual appearance is</p>

	<p>consistent with the desired urban form and heritage constraints of the surrounding area; there will be no privacy impacts and the departure will not have any adverse impacts on the amenity of nearby developments, the streetscape or public domain. There will be no additional overshadowing impacts arising from the development departure, no view impacts, no privacy impacts, no adverse impacts on the streetscape or any heritage items.</p> <p>There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard.</p> <p>The objectives for development within the B4 Mixed Use zone are:</p> <ul style="list-style-type: none"> • <i>To provide a mixture of compatible land uses.</i> • <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> • <i>To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.</i> <p>The proposal is consistent with the above objectives as it provides a mixture of residential and commercial development in close proximity to public transport and services that is compatible with surrounding development.</p> <p>The proposed building separation is not considered to result in unreasonable impacts with regards to solar access, privacy or appearance and the variation is considered justified in this instance despite the non-compliance with Clause 8.6</p> <p>The Design Review Panel supports the proposed setbacks.</p>
(b) the concurrence of the Secretary has been obtained	The WLPP can exercise assumed concurrence in this instance

Clause 8.7 Shops in Zone B4 Mixed Use

The objective of the clause is to limit the size of shops in Zone B4 Mixed Use to ensure that land within Zone B3 Commercial Core remains the principal retail area. Development consent must not be granted for development for the purpose of a shop on land in Zone B4 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.

None of the proposed shops exceeds this standard.

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

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 8 to this report. Proposed variations to controls contained within Chapter D13 – City Centre of WDCP 2009 are discussed below:

Clause 2.3 - Street frontage heights in commercial core

2.3.1 General

1. Buildings built to the street alignment and with a height to street width ratio of approximately 1:1 give a sense of enclosure to the street that is appropriate for a city centre. In Wollongong, streets in the Commercial Core are generally 20 metres wide, generating a preferred street front height of between 12m and 24m, subject to context and sun access requirements.
2. Controls setting street front heights apply within the commercial core where buildings are to be built to the street alignment.

The objectives of this control are:

- a) *To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.*
- b) *To reinforce the intrinsic character of Wollongong City Centre while enabling flexibility in building design.*
- c) *To enhance the distinctive character of Special Areas with compatible development.*
- d) *To protect solar access to key streets and public spaces.*

The applicant has requested support for a variation to this control as follows:

“In this instance achieving the minimum 12m requirement contained within Council’s DCP is not reasonable, taking into account the neighbouring heritage listed building (Comelli Bros Building) at 48 – 50 Crown Street. As this building is of significance both within the LGA on a whole and locally informing the streetscape, it does not make architectural sense to increase the height by 1m to meet the minimum DCP requirements.

The building height in this instance is a minor variation to the requirement (1m) and still allows for the development to meet the objective of the control to provide for comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees. By matching the heritage street frontage, the development works to keep the intrinsic character of Wollongong City Centre and enhance the distinctive character of Special Areas with compatible development i.e. compatible with the adjoining development. The non-compliance with this control is therefore unnecessary and unwarranted in this case and should be supported.”

Comment:

The arguments presented by the applicant are considered valid and the variation is supported. The need to address the context of the streetscape, particularly the street frontage height of the adjacent heritage listed building is considered to prevail over the control in this instance. It is noted that Council’s heritage officer requested the street frontage height adjacent to the Comelli Bros. building to be reduced slightly to ensure it reads as a separate building to the heritage item. This has been addressed by an amended plan and is illustrated in the photomontage below:



Figure 4 - Proposed street frontage height to provide visual break to heritage building

2.5 Side and rear building setbacks and building separation

This clause effectively duplicates the provisions of Clause 8.6 of WLEP2009 in relation to establishing desired separation (expressed as side and rear boundary setbacks) between buildings within the mixed-use zone on the periphery of the commercial core. The required setbacks are outlined in the following table:

Zone	Building condition	Minimum side setback	Minimum rear setback
All other zones	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
	Residential uses above 24m		
	- habitable rooms with openings and balconies and up to 45m	12m	12m
	- non-habitable rooms and habitable rooms without openings	6m	6m

Figure 5 - Setbacks Requirements - City Centre

The northern (rear) setback applying to the 3-level component of the development (two storey residential units above ground floor tenancies) does not exceed 12m. The required setback is therefore 6m to habitable room and balconies. The setbacks provided are 6.74m to the level 2 balcony and 9.03m to the level 2 habitable room (bedroom). The setback therefore complies.

The setback of the residential 'tower' provided to northern boundary is 8.852m. This represents a minor variation to the required setback of 9m for levels 4-7 and 12m for level 8 and the Lower roof level. Adjoining the northern boundary is a 10m wide access 'handle' that provides vehicular egress from the commercial development at 121-123 Corrimal Street, part of which is a drive-through bottle shop. It is likely that in any redevelopment of 121-123 Corrimal Street this access handle would be retained for vehicular access purposes in accordance with the provisions of Clause 3.6.2 of Chapter D13 – Wollongong City Centre of WDCP2009 and clause 101 SEPP(Infrastructure) 2007 which requires vehicular access to be provided from minor streets rather than designated roads such as Corrimal Street. For this reason, the minor non-compliance at the northern side boundary is unlikely to result in any adverse amenity impacts and is considered acceptable.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$14,300,000 and a levy of 2% is applicable under this plan as the threshold value is \$250,000 and the site is located within the city centre.

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

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

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

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

Conditions of consent are recommended regarding demolition.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality. This is demonstrated through the following:

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

Context and Setting:

The physical impacts of the proposal (i.e. overshadowing, privacy, setbacks, bulk, and scale) on surrounding development are considered acceptable. 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 locality.

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

Does the proposal fit in the locality?

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

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

The submissions made have been addressed in this report and it is not considered that the issues raised are not sufficient to warrant refusal of the application.

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 having regard to the Heads of Consideration under Section S4.15(1) 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, relevant state policies, Council DCPs, Codes and Policies.

The design of the development is appropriate regarding the controls outlined in these instruments. The proposal does not fully comply with building separation controls under WLEP 2009. The applicant has followed the process set out in clause 4.6 of WLEP 2009 and adequately justified the development standard departures. The proposal also involves a variation to corresponding Clause 2.5 building separation under WDCP2009. The variation request has been assessed as reasonable.

The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are satisfactorily resolved. 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.

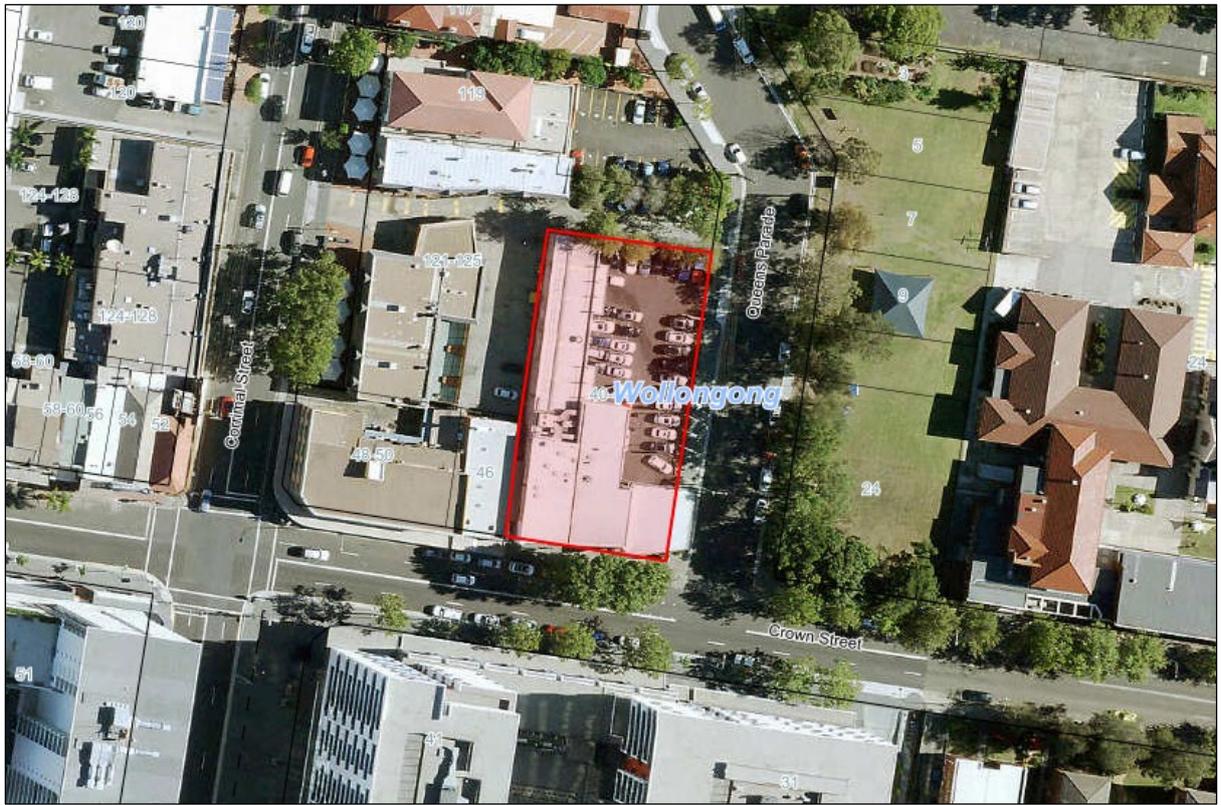
RECOMMENDATION

It is recommended that development application DA-2020/1292 be approved subject to the conditions contained in Attachment 9.

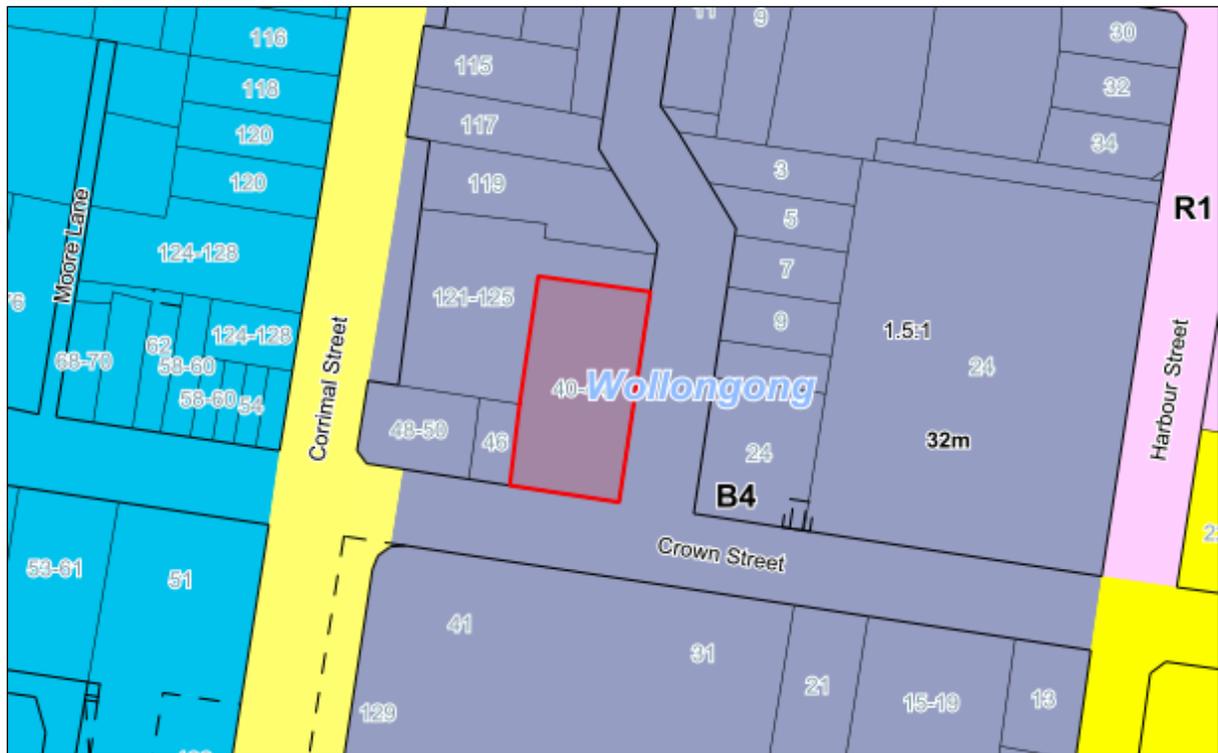
ATTACHMENTS

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 Design Review Panel Notes
- 5 Applicant's response to Design Review Panel
- 6 Clause 4.6 Variation Request
- 7 ADG Compliance Table
- 8 WDCP 2009 Compliance table
- 9 Draft Conditions

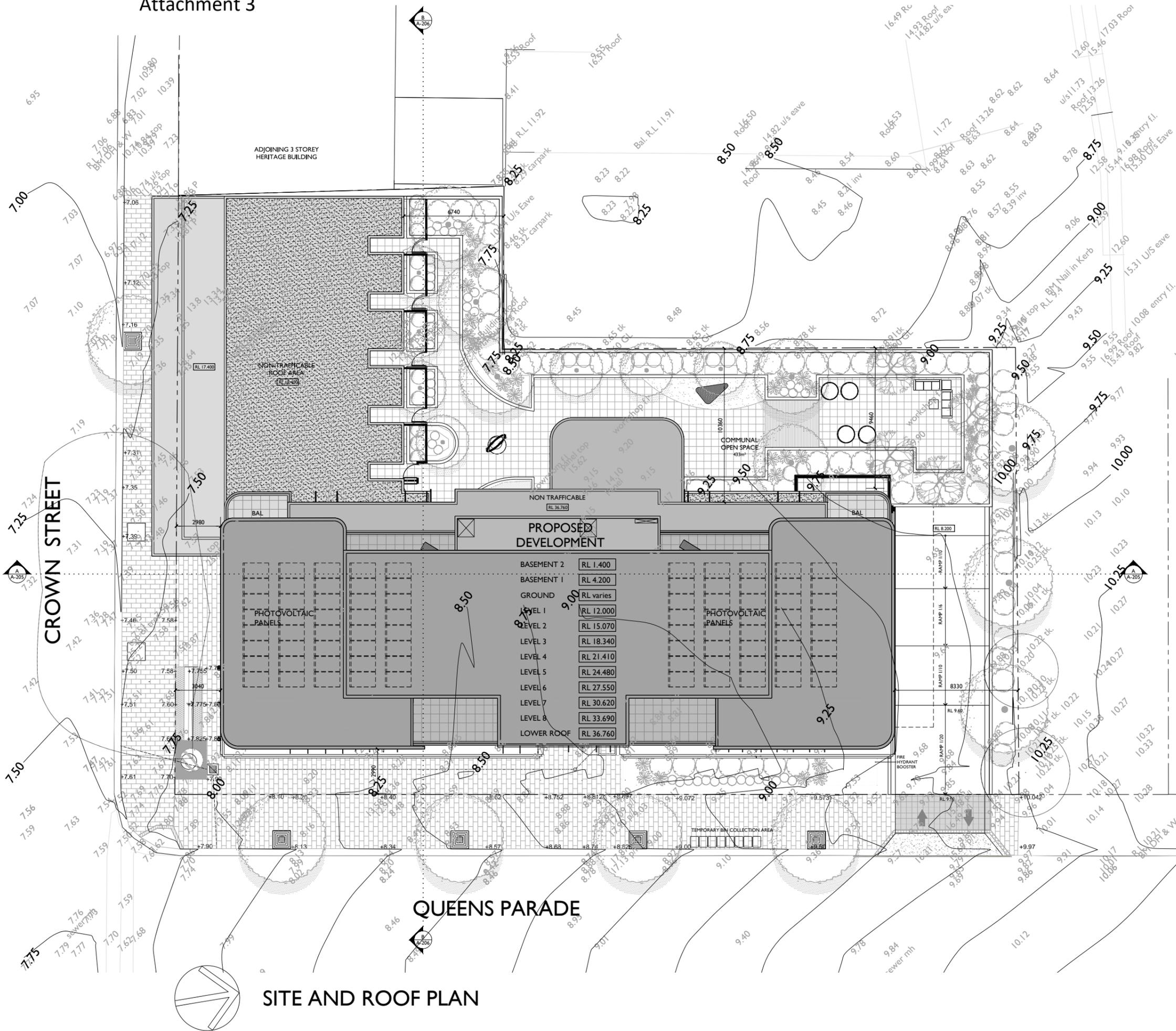
Attachment 1 - Aerial Photo



Attachment 2 – Zoning Map



Attachment 3



SITE AND ROOF PLAN

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A	09.10.2020	ISSUED FOR DA
B	03.02.2021	AMENDED FOR DA
C	26.03.2021	AMENDED FOR DA

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

At
**CROWN STREET & QUEENS PARADE,
 WOLLONGONG**

For
CROWN WOLLONGONG PTY LTD

Title
**DEVELOPMENT APPLICATION
 SITE AND ROOF PLAN**

Scale
 1:125 @ A1
 1:250 @ A3

Date
MARCH 2021

Drawn
 LGD SJ

Checked
 ADM

Project No.
 2018-45

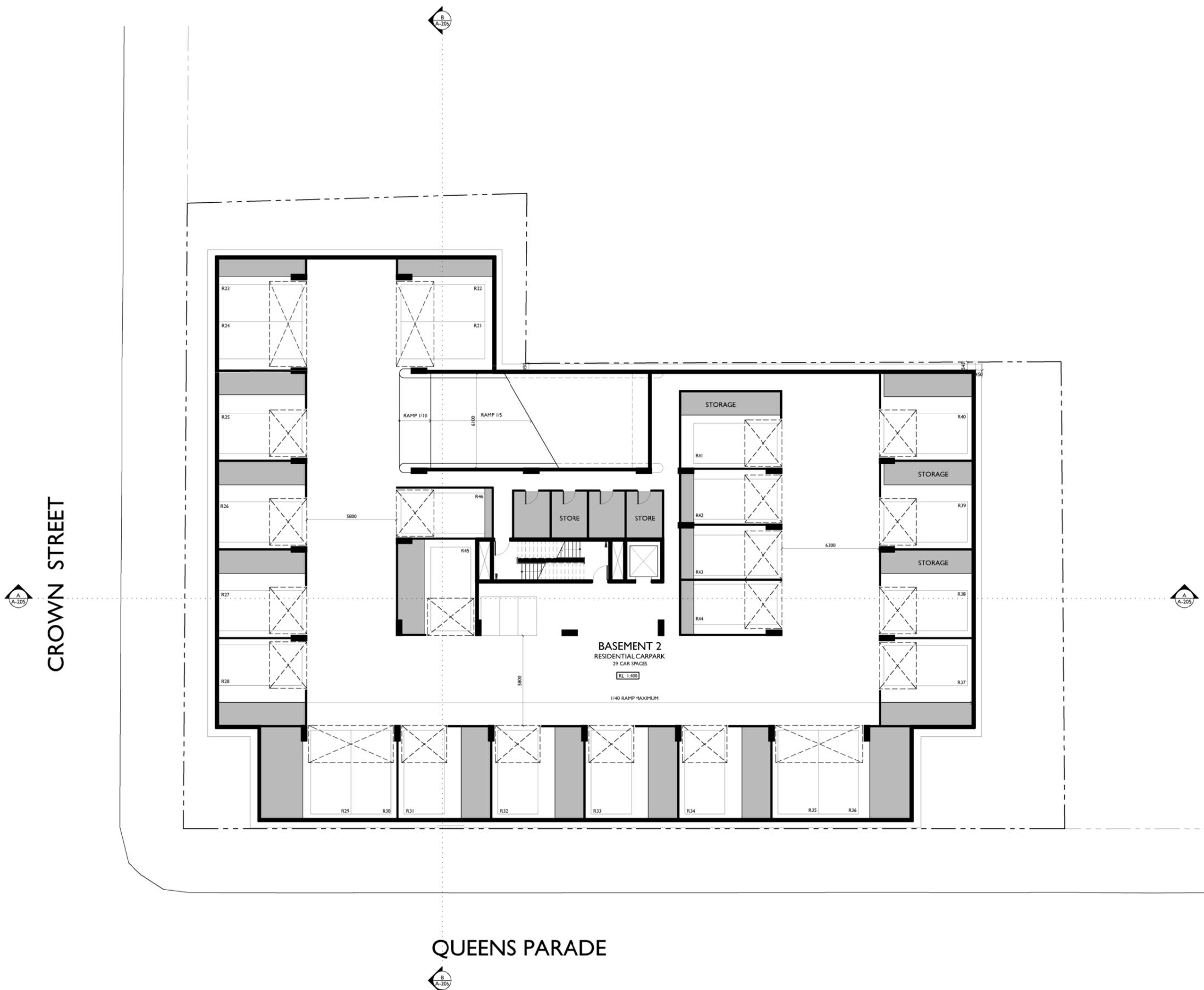
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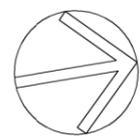
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**BASEMENT 2
RESIDENTIAL CARPARK**
29 CAR SPACES
RL 1.400
1/40 RAMP MAXIMUM

CROWN STREET

QUEENS PARADE



BASEMENT 2 PLAN



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For
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Title
**DEVELOPMENT APPLICATION
 BASEMENT 2 PLAN**

Scale 1:125 @ A1 1:250 @ A3	Date OCTOBER 2020
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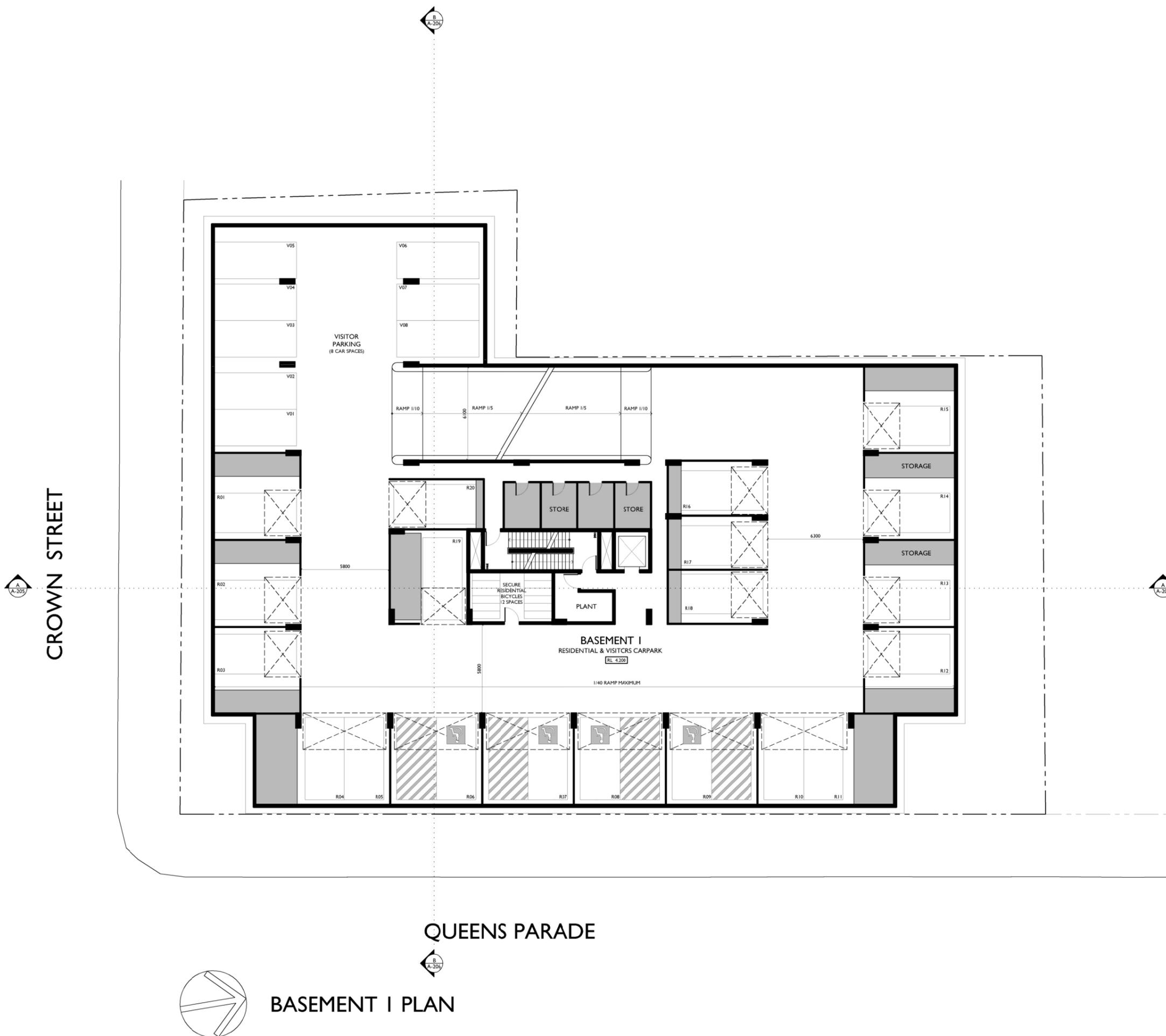
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 DEVELOPMENT APPLICATION
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Scale 1:125 @ A1 1:250 @ A3	Date OCTOBER 2020
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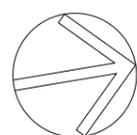
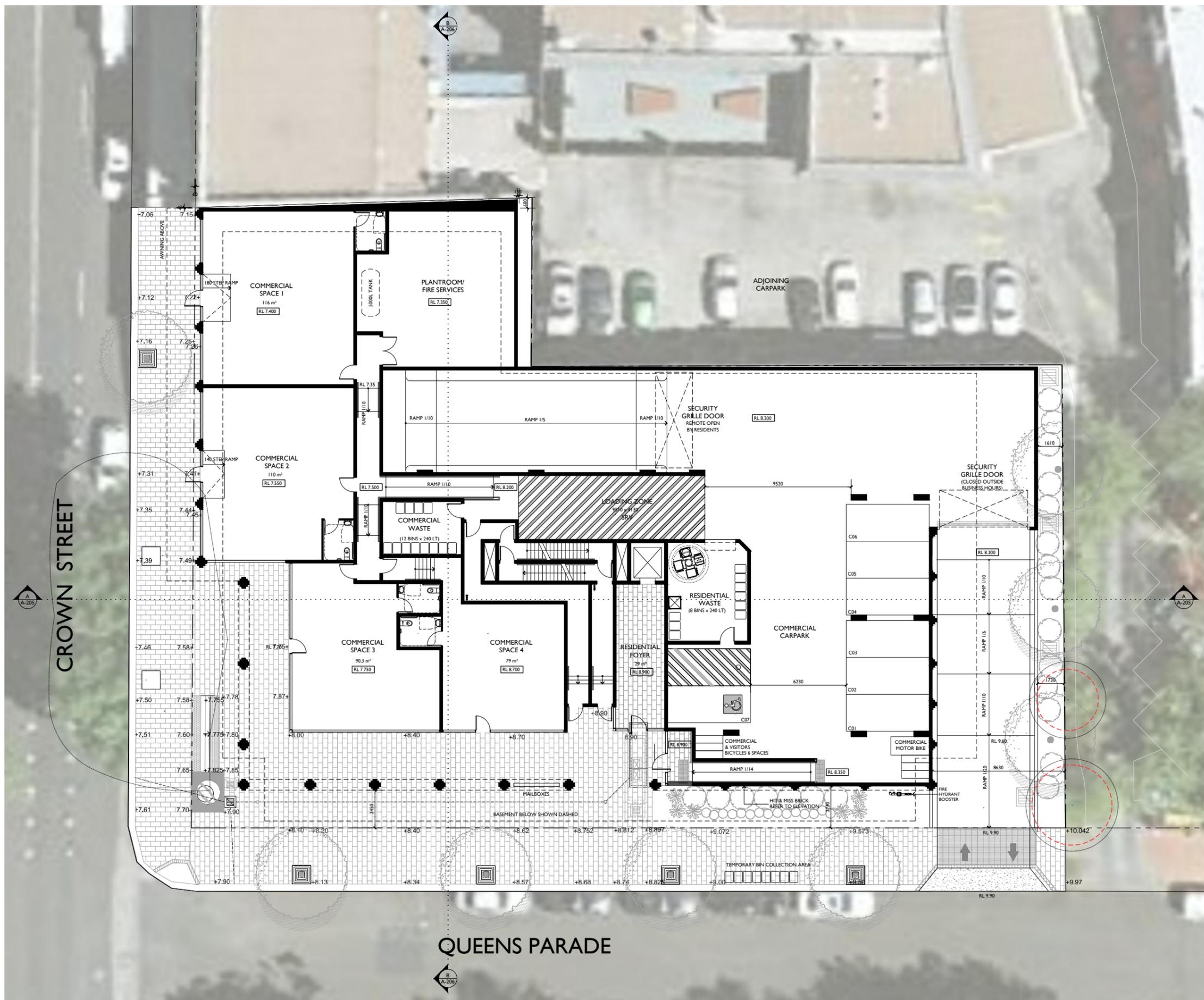
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GROUND FLOOR PLAN



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For
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Title
**DEVELOPMENT APPLICATION
 GROUND FLOOR PLAN**

Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
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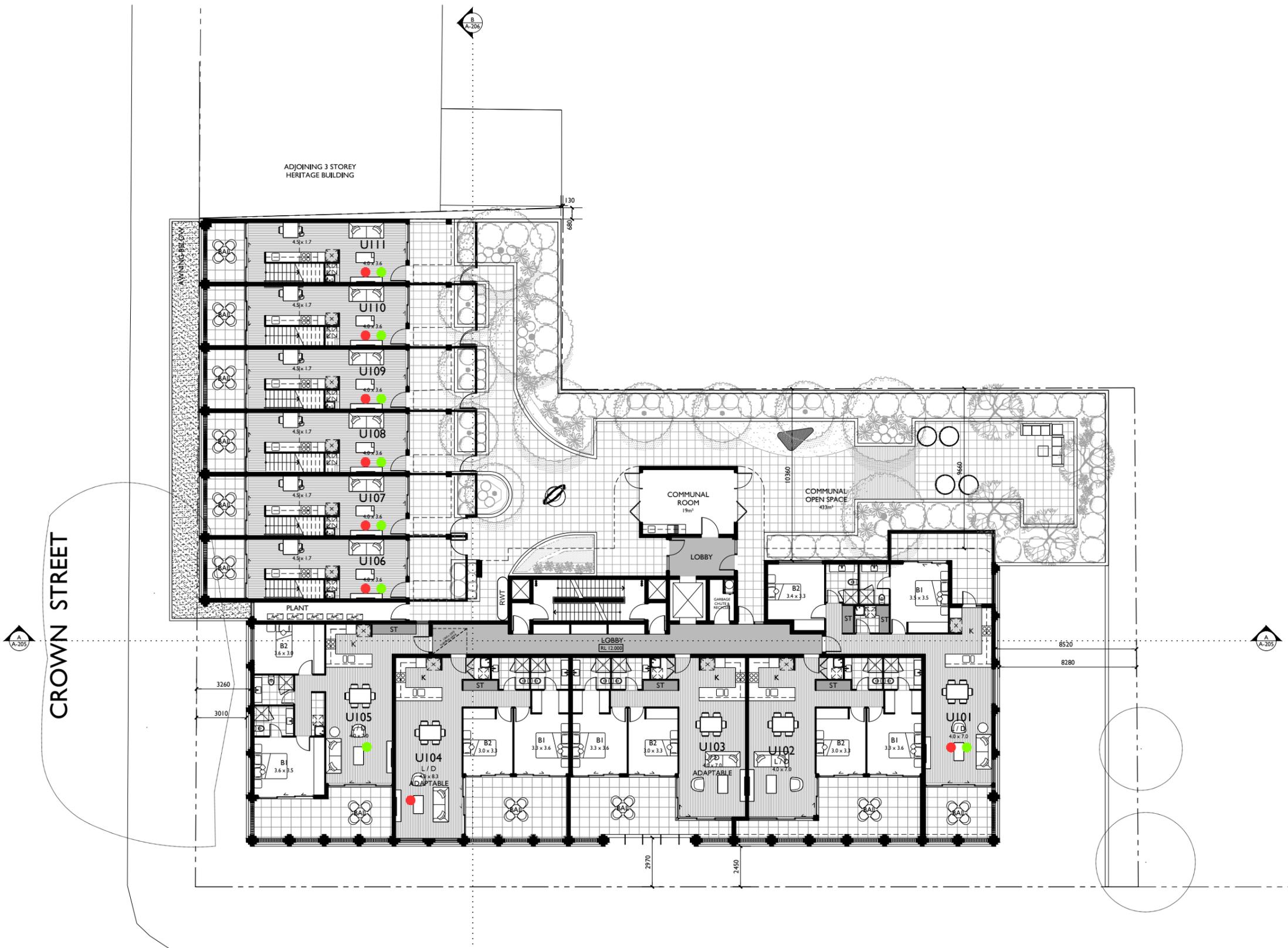
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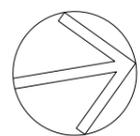
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LEVEL I FLOOR PLAN

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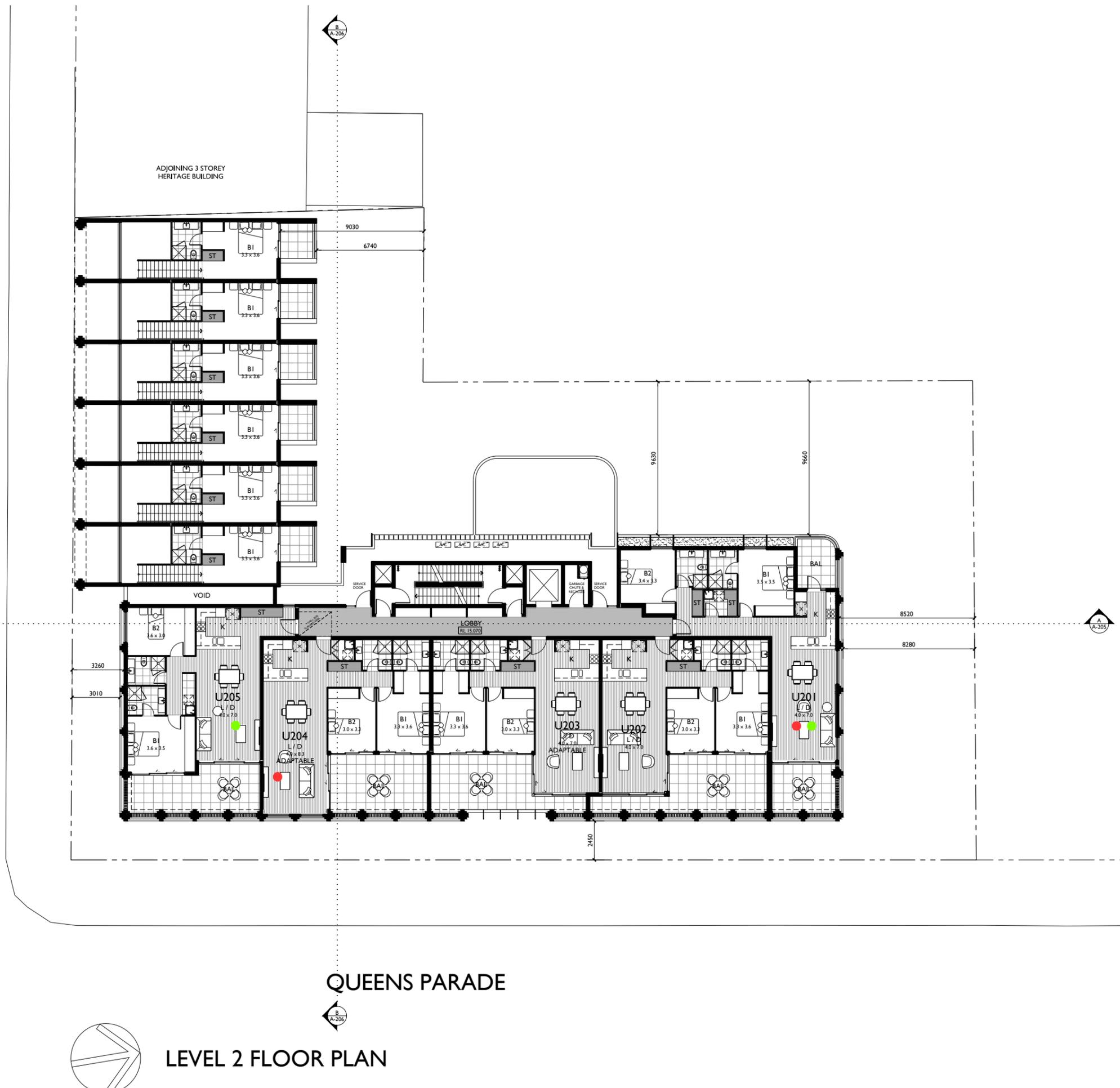
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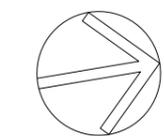
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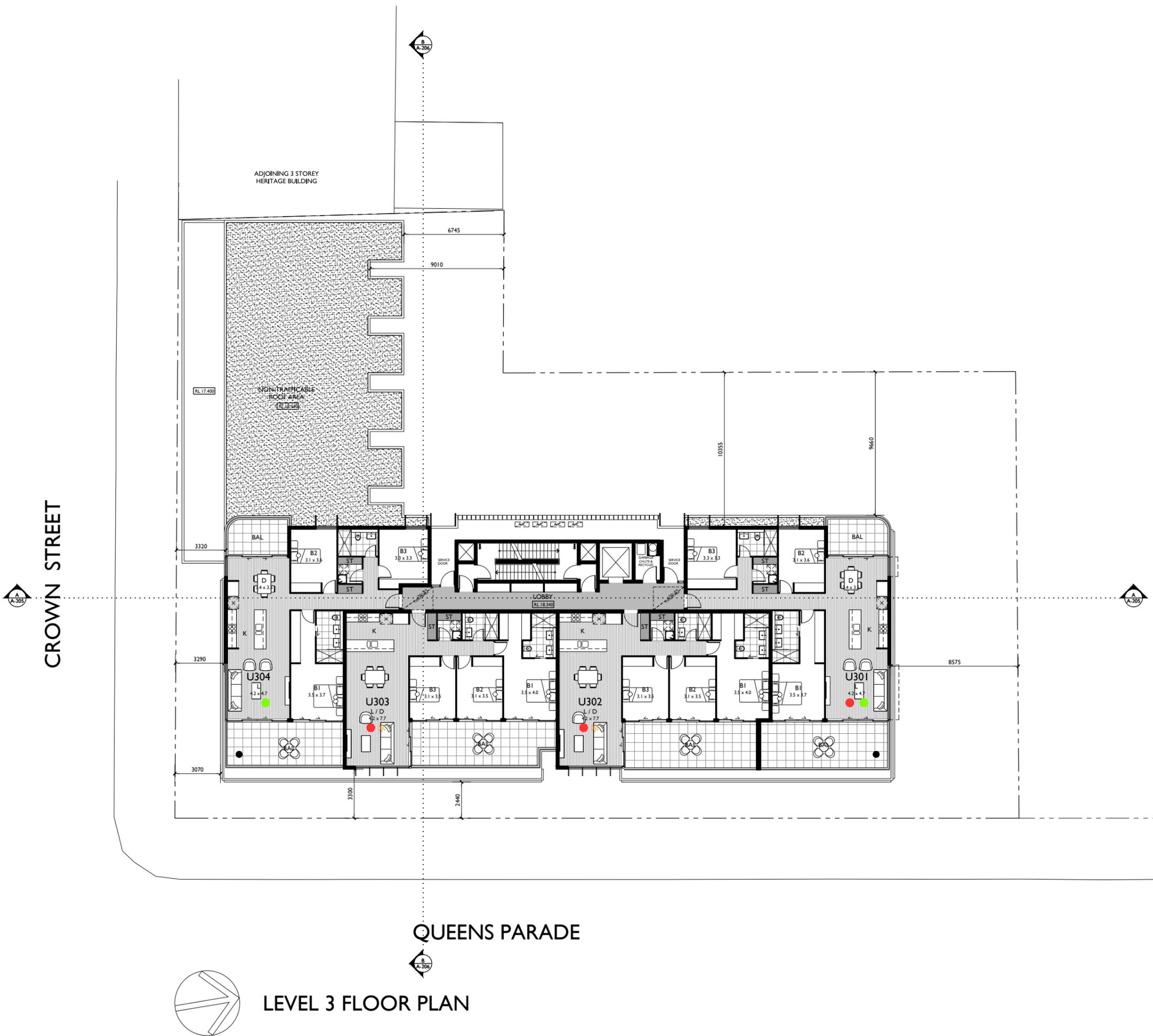
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LEVEL 3 FLOOR PLAN

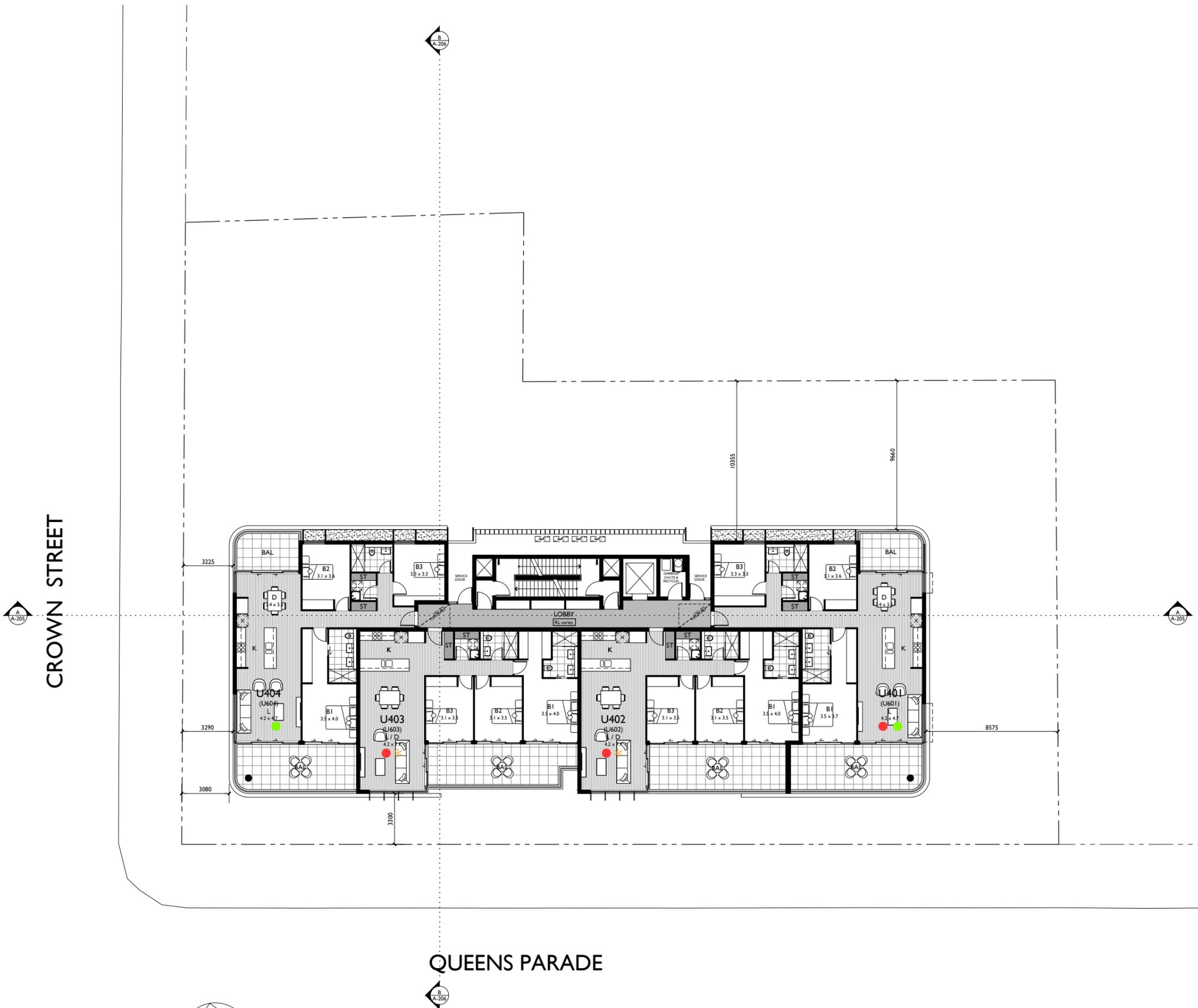
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ISSUE	DATE	DESCRIPTION
A	09.10.2020	ISSUED FOR DA
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LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION
- ✱ LIVABLE STANDARD



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 ABOVE COMMERCIAL PREMISES
 AND CARPARKING**

At
**CROWN STREET & QUEENS PARADE,
 WOLLONGONG**

For
CROWN WOLLONGONG PTY LTD

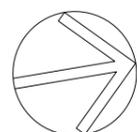
Title
**DEVELOPMENT APPLICATION
 LEVEL 4 & 6 FLOOR PLAN**

Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
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Drawn LGD SJ	Checked ADM
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Project No. 2018-45	Drawing No. A-107	Issue C
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LEVEL 4 & 6 FLOOR PLAN

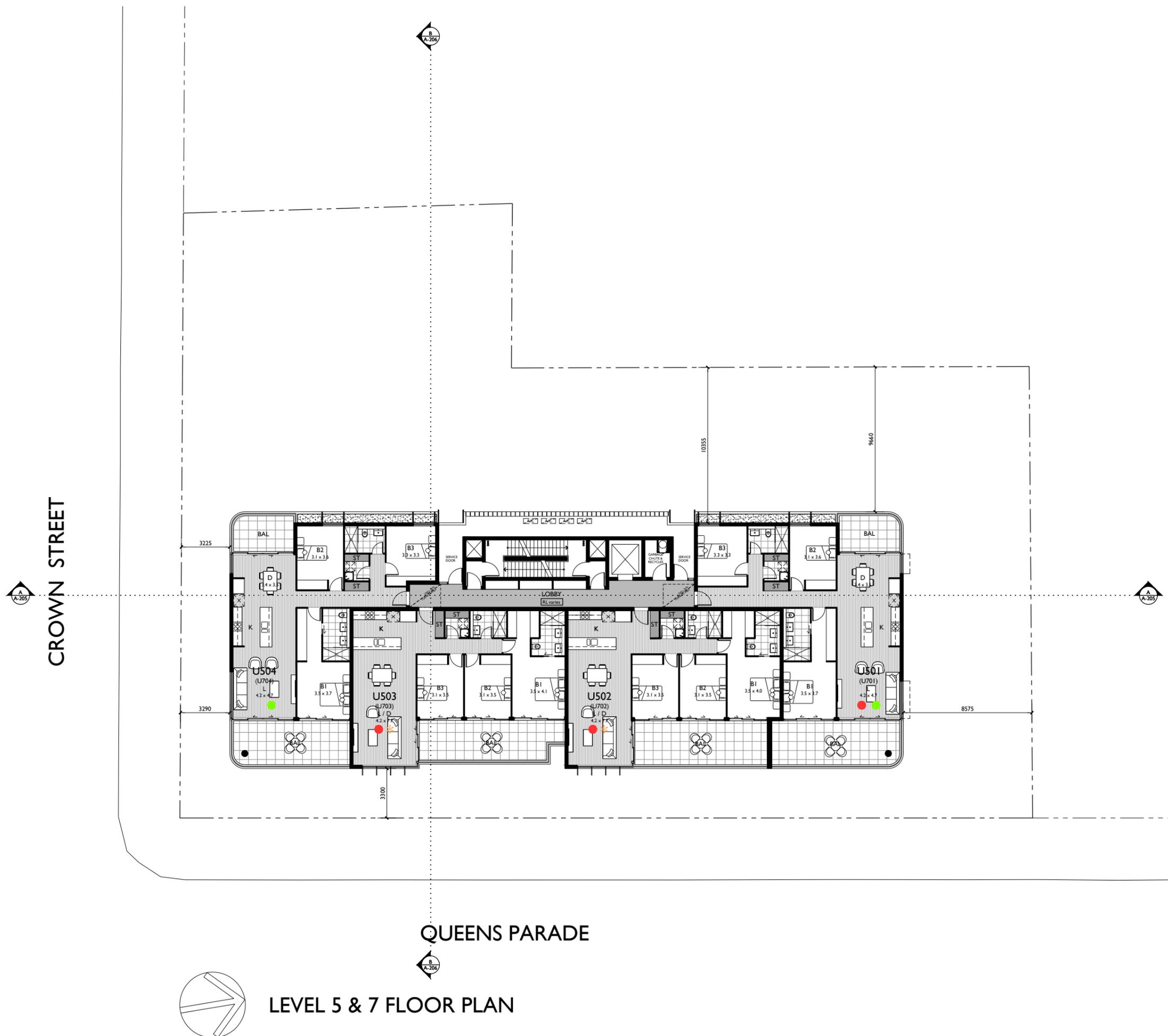
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LEVEL 5 & 7 FLOOR PLAN



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Title		
DEVELOPMENT APPLICATION LEVEL 5 & 7 FLOOR PLAN		
Scale	Date	
1:125 @ A1 1:250 @ A3	MARCH 2021	
Drawn	Checked	
LGD SJ	ADM	
Project No.	Drawing No.	Issue
2018-45	A-108	C

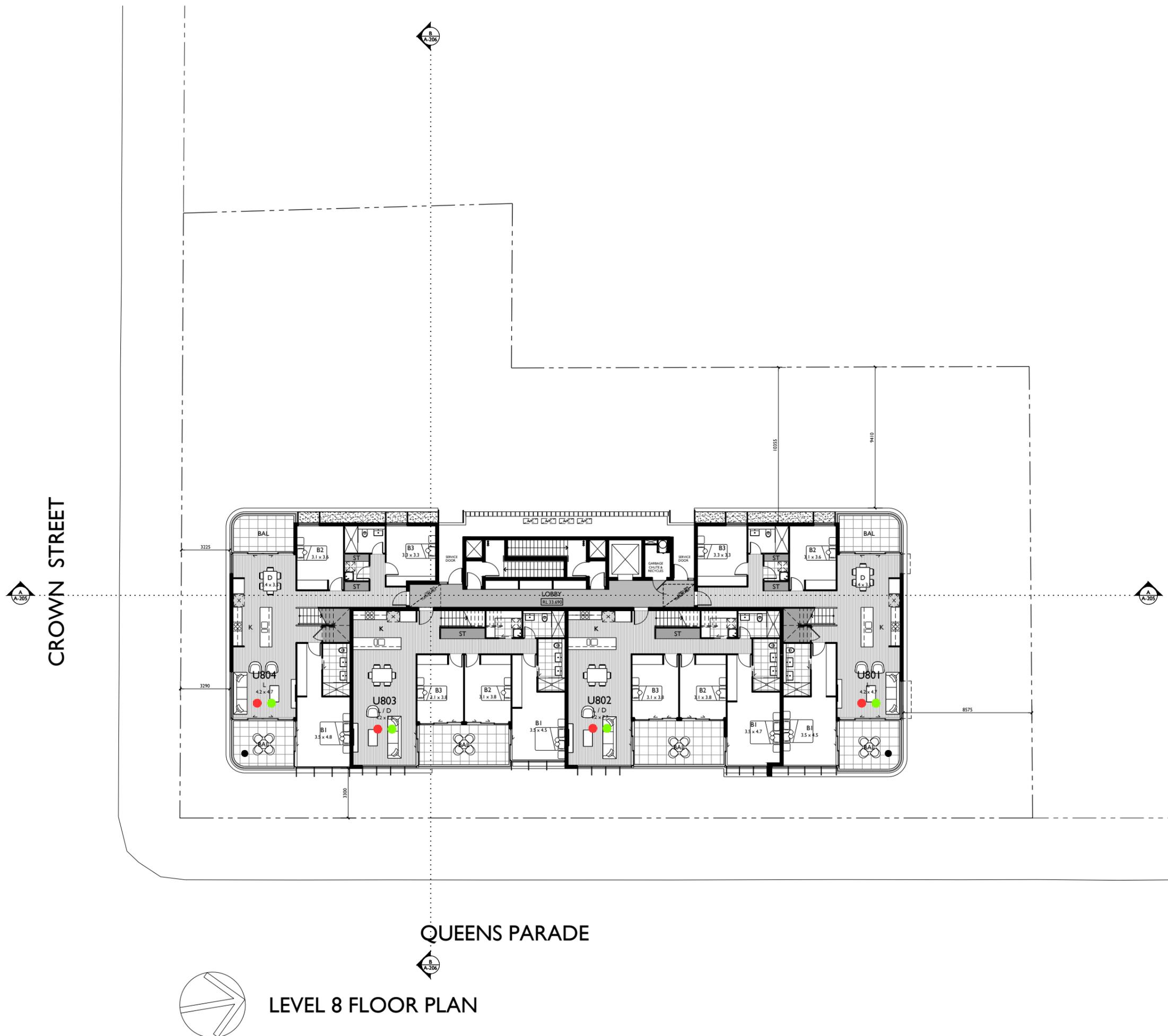
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LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION



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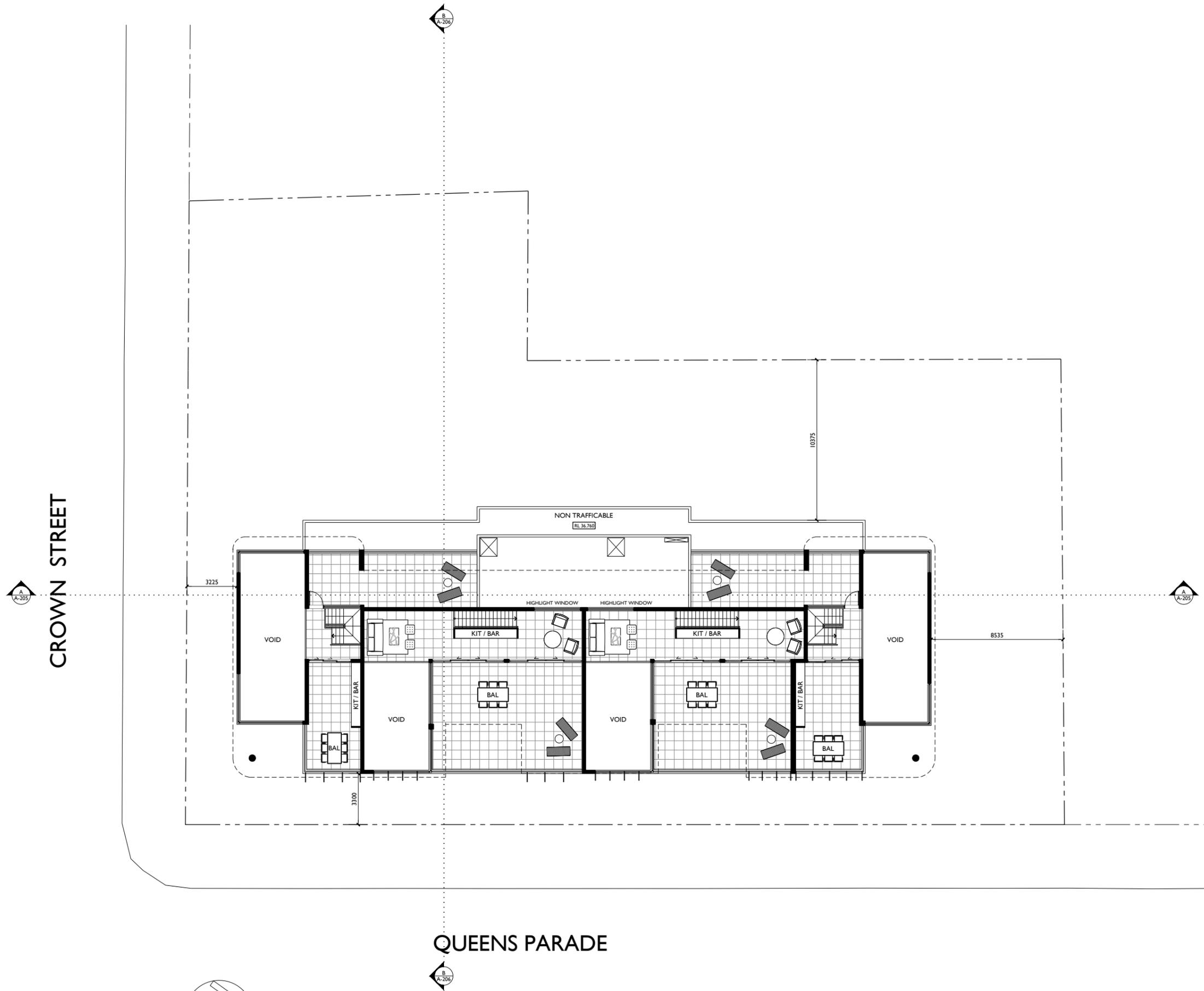
For
CROWN WOLLONGONG PTY LTD

Title		
DEVELOPMENT APPLICATION LEVEL 8 FLOOR PLAN		
Scale	Date	
1:125 @ A1 1:250 @ A3	MARCH 2021	
Drawn	Checked	
LGD SJ	ADM	
Project No.	Drawing No.	Issue
2018-45	A-109	C

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At
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 WOLLONGONG

For
 CROWN WOLLONGONG PTY LTD

Title
 DEVELOPMENT APPLICATION
 LOWER ROOF PLAN

Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
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Drawn LGD SJ	Checked ADM
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Project No. 2018-45	Drawing No. A-110	Issue C
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LOWER ROOF PLAN

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EAST ELEVATION
 QUEENS PARADE ASPECT



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At
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 WOLLONGONG**

For
CROWN WOLLONGONG PTY LTD

Title
**DEVELOPMENT APPLICATION
 EAST ELEVATION**

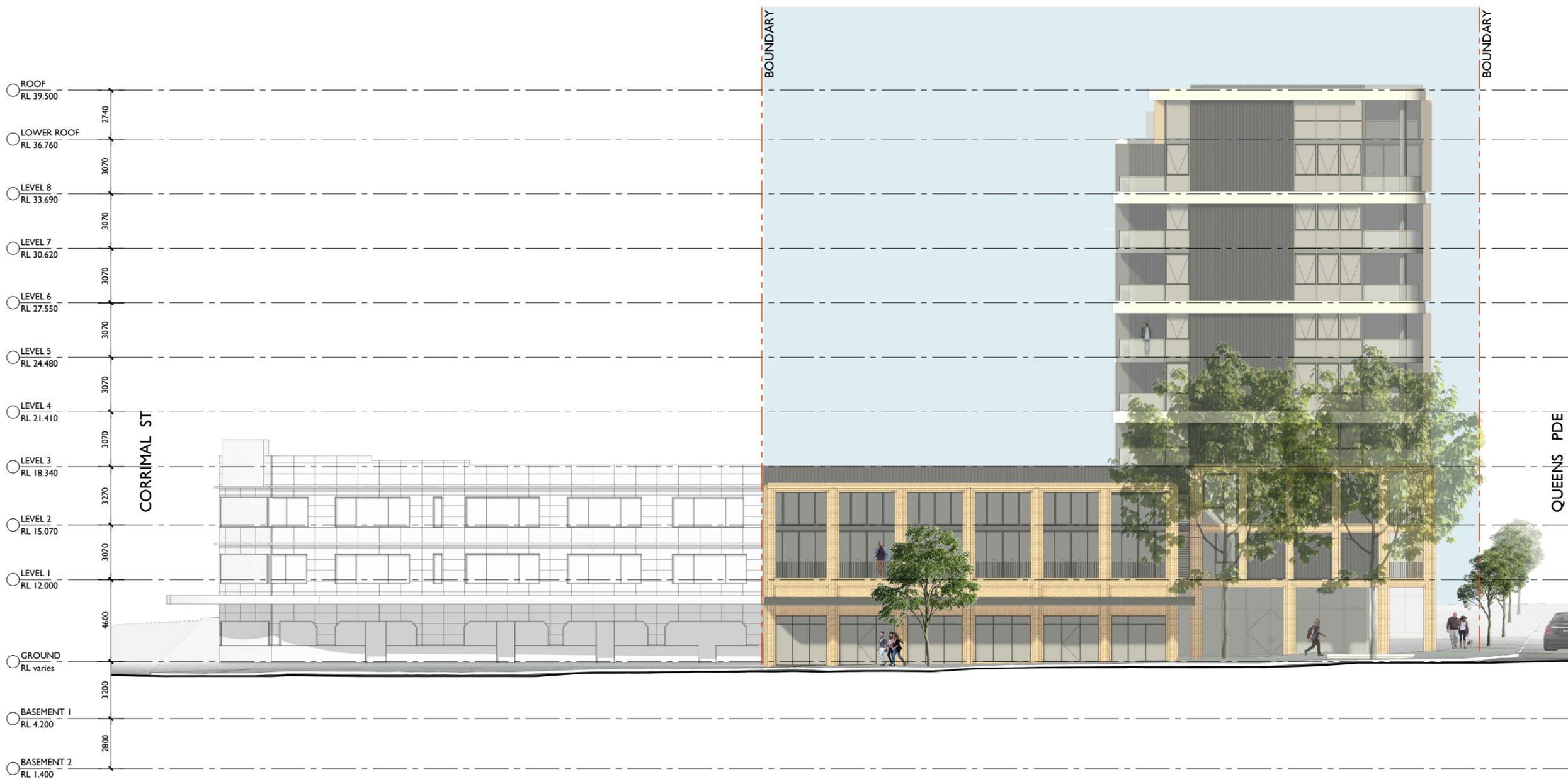
Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
Drawn LGD SJ	Checked ADM
Project No. 2018-45	Drawing No. A-201
	Issue C

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SOUTH ELEVATION
CROWN STREET ASPECT



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At
**CROWN STREET & QUEENS PARADE,
 WOLLONGONG**

For
CROWN WOLLONGONG PTY LTD

Title
**DEVELOPMENT APPLICATION
 SOUTH ELEVATION**

Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
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Drawn LGD SJ	Checked ADM
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Project No. 2018-45	Drawing No. A-202	Issue C
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WEST ELEVATION



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At
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For
 CROWN WOLLONGONG PTY LTD

Title
 DEVELOPMENT APPLICATION
 WEST ELEVATION

Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
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Drawn LGD SJ	Checked ADM
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Project No. 2018-45	Drawing No. A-203	Issue C
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NORTH ELEVATION



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For
 CROWN WOLLONGONG PTY LTD

Title
 DEVELOPMENT APPLICATION
 NORTH ELEVATION

Scale	Date
1:125 @ A1 1:250 @ A3	MARCH 2021

Drawn	Checked
LGD SJ	ADM

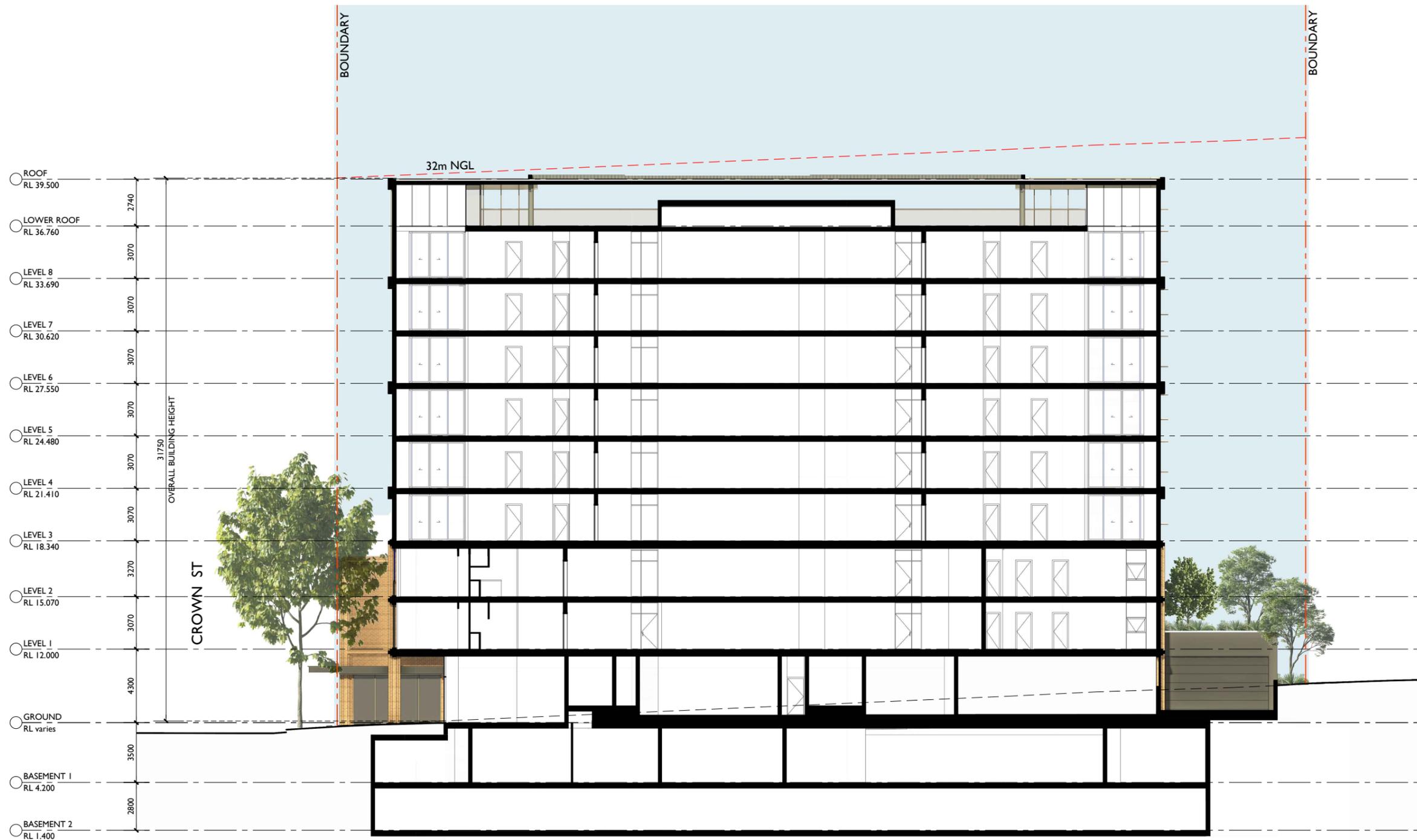
Project No.	Drawing No.	Issue
2018-45	A-204	C

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SECTION A - A



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Title
 DEVELOPMENT APPLICATION
 SECTION A-A

Scale 1:125 @ A1 1:250 @ A3	Date MARCH 2021
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Drawn LGD SJ	Checked ADM
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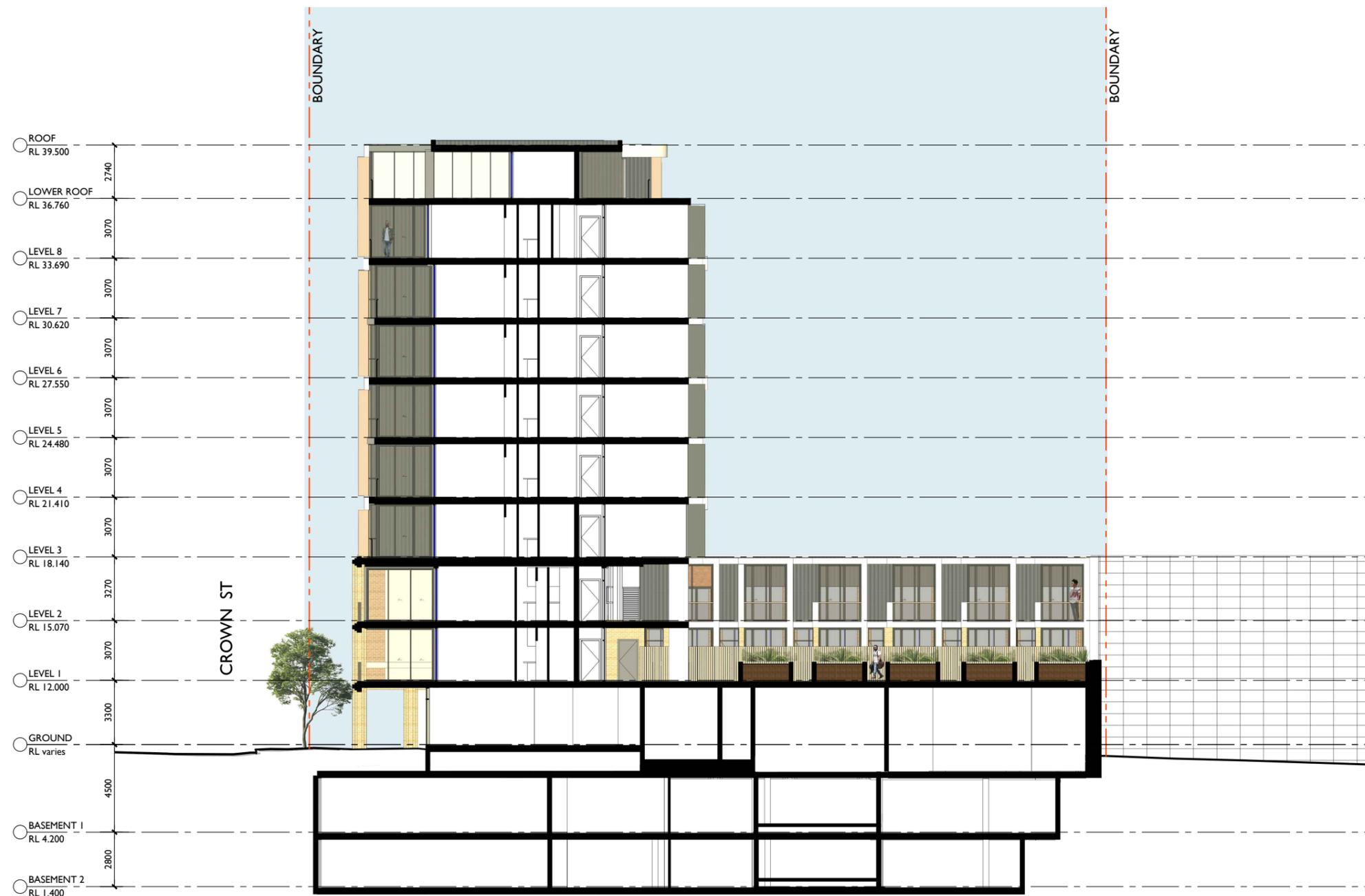
Project No. 2018-45	Drawing No. A-205	Issue C
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SECTION B - B



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For
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Title
 DEVELOPMENT APPLICATION
 SECTION B-B

Scale	Date
1:125 @ A1 1:250 @ A3	MARCH 2021

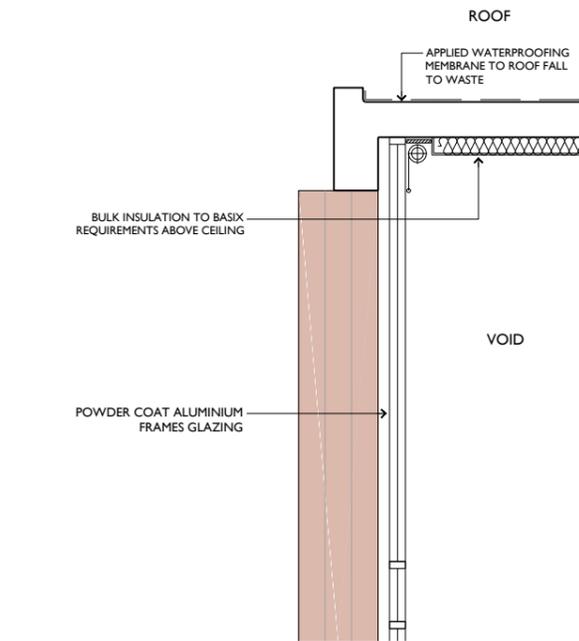
Drawn	Checked
LGD SJ	ADM

Project No.	Drawing No.	Issue
2018-45	A-206	C

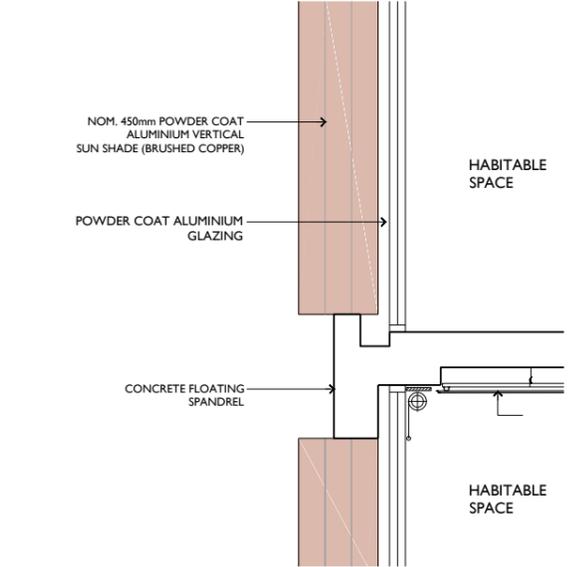
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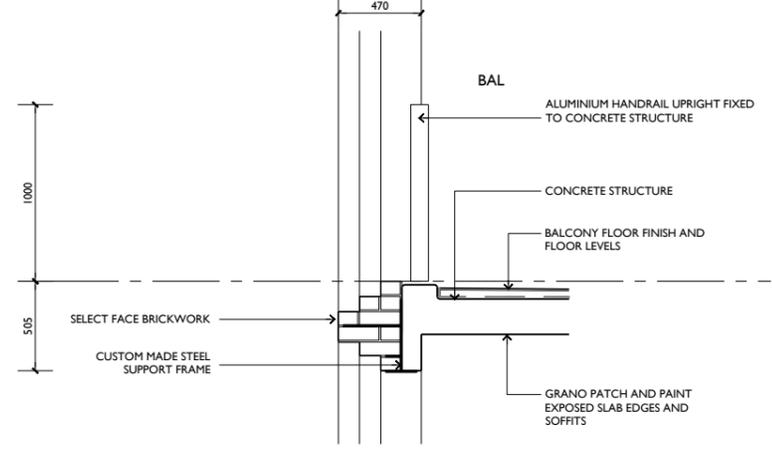
DETAILED FACADE SECTION



01 ROOF SECTION DETAIL
SCALE 1:20 @ A1



02 TYPICAL SPANDREL
SCALE 1:20 @ A1



03 BRICK FRAME / BALUSTRADE
SCALE 1:20 @ A1

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 AND CARPARKING

At
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 WOLLONGONG

For
 CROWN WOLLONGONG PTY LTD

Title
 DEVELOPMENT APPLICATION
 DETAILED FACADE SECTION

Scale AS NOTED	Date MARCH 2021
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Drawn LGD SJ	Checked ADM
-----------------	----------------

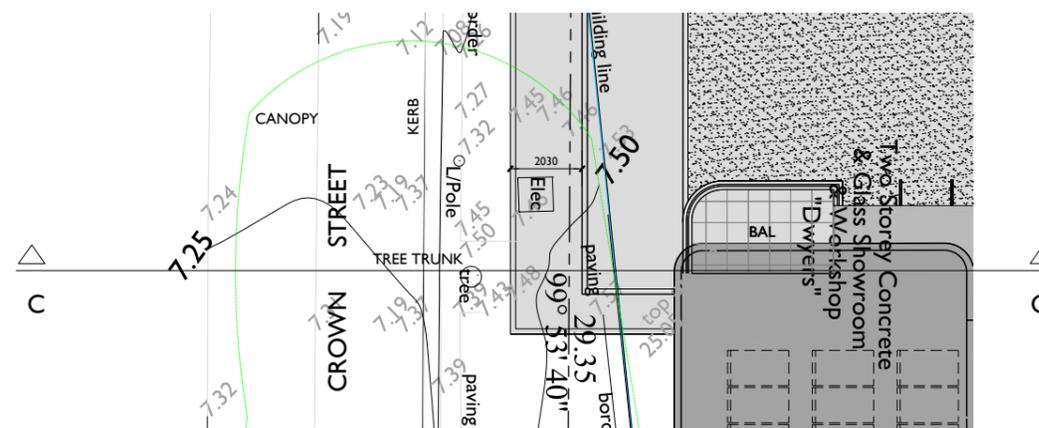
Project No. 2018-45	Drawing No. A-207	Issue B
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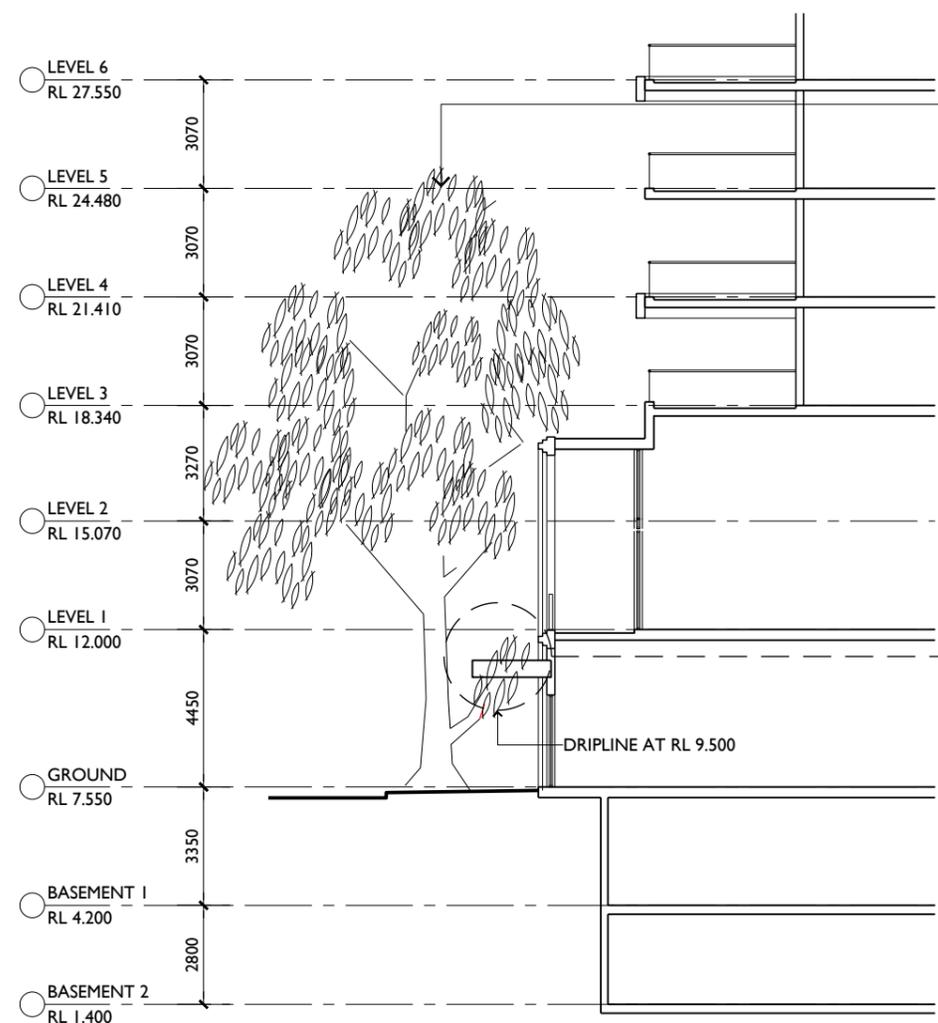
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PART PLAN



EXISTING TREE ALREADY CUT AROUND EXISTING BUILDING - REFER TO ARBORIST REPORT



"REMOVAL OF MINOR BRANCHING CONSISTING OF EPICORMIC GROWTH", REFER TO ARBORIST REPORT

PART SECTION AWNING INTERFACE

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Title		
DEVELOPMENT APPLICATION PART SECTION AWNING INTERFACE		
Scale	Date	
1:100 @A1 1:200 @A3	MARCH 2021	
Drawn	Checked	
LGD SJ	ADM	
Project No.	Drawing No.	Issue
2018-45	A-208	A



1	AUSTRAL HEREFORD BRONZE WALLING
2	COLORBOND "MATT" MONUMENT STANDING SEAM WALL CLADDING
3	DULUX MONUMENT WALL RENDER AND SLAB EDGES
4	DULUX NATURAL WHITE WALLING
5	ANODISED BRONZE FEATURE METALLIC PANELS, LOUVRES AND SUNSHADES
6	COLORBOND MONUMENT WINDOW FRAMES, VERTICAL BALUSTRADES
7	GREY TINTED GLASS RESIDENTIAL GLAZING AND GLASS BALUSTRADING
8	TIMBER LOOK ALUMINIUM CLADDING
9	CLEAR GLASS SHOPFRONTS

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COLOUR AND MATERIALS SCHEDULE



1



2



6



6



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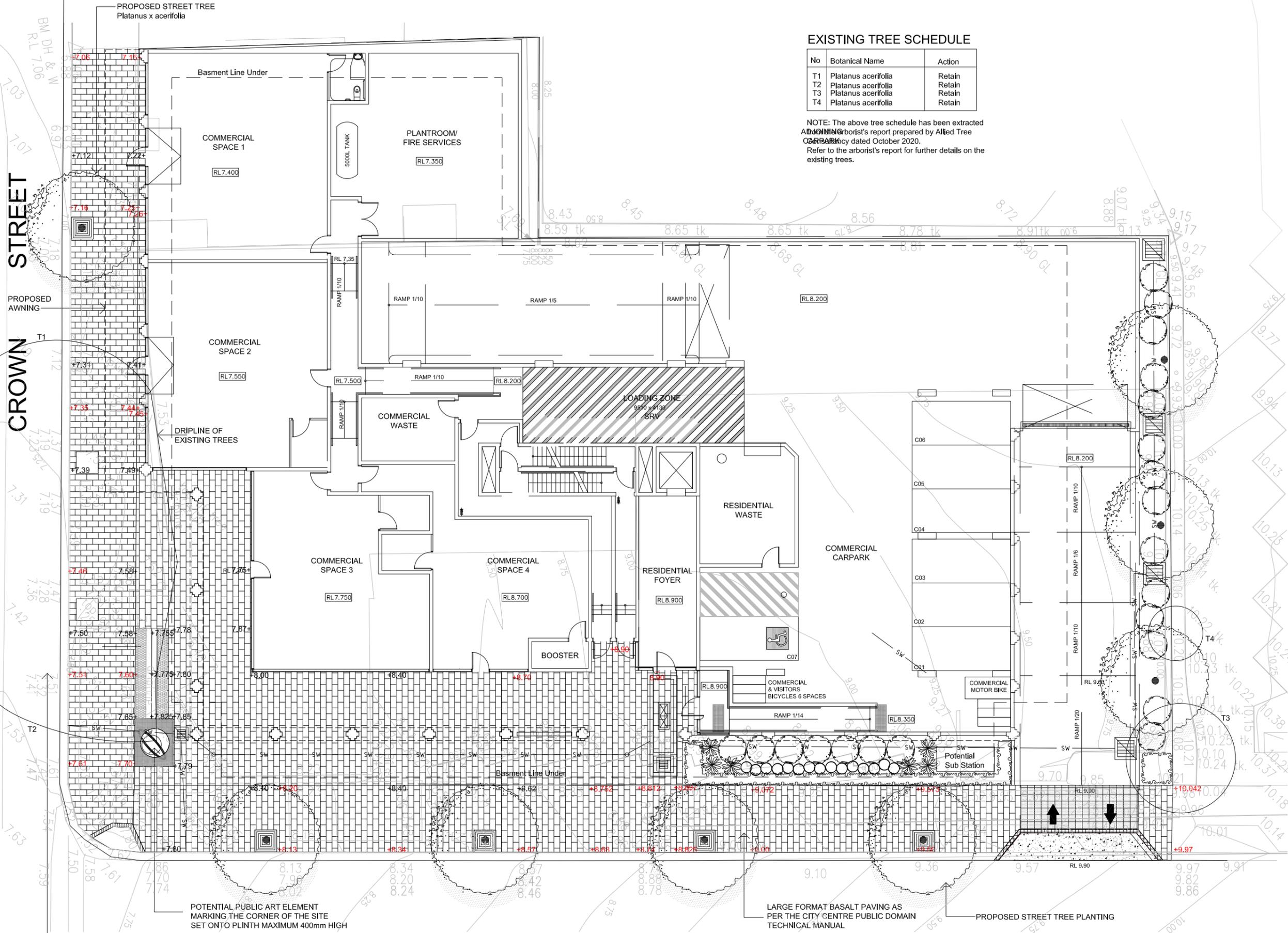
Title
DEVELOPMENT APPLICATION
COLOUR & MATERIALS SCHEDULE

Scale	Date
NTS	MARCH 2021

Drawn	Checked
LGD SJ	ADM

Project No.	Drawing No.	Issue
2018-45	A-501	C

CROWN STREET

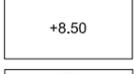
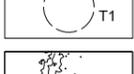
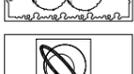
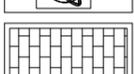
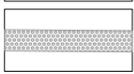
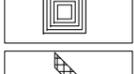
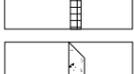
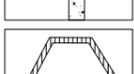


EXISTING TREE SCHEDULE

No	Botanical Name	Action
T1	Platanus acerifolia	Retain
T2	Platanus acerifolia	Retain
T3	Platanus acerifolia	Retain
T4	Platanus acerifolia	Retain

NOTE: The above tree schedule has been extracted from the arborist's report prepared by Allied Tree Services Pty Ltd dated October 2020. Refer to the arborist's report for further details on the existing trees.

LEGEND

-  Existing levels and contours
-  Proposed spot levels
-  Existing trees to be retained
-  Existing trees to be removed
-  Proposed tree planting
-  Proposed mass shrub planting
-  Potential public art
-  600x300x40mm basalt pavers as per WCC PDTM.
-  Tactile indicators
-  300x300x60mm basalt pavers as per WCC PDTM.
-  Duraplate Tree grate and tree guard as per WCC PDTM.
-  300x300x60mm basalt pavers as per WCC PDTM.
-  Plain concrete ramp as per WCC PDTM
-  Pedestrian ramp header course 150x600x40mm as per WCC PDTM



ISSUE: Amended Development Application 10.02.21
 ISSUE: For Co-ordination 02.02.21, 03.02.21
 ISSUE: Development Application 30.09.20, 15.10.20, 20.10.20
 ISSUE: For Co-ordination 21.05.20, 09.06.20, 16.07.20, 21.09.20
 REV.B: Amend building, levels, landscape 28.01.21
 REV.A: Amend building line and landscape 21.09.20

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PROJECT
**Proposed Mixed Use Development
 40 - 46 Crown Street
 WOLLONGONG**

DRAWING TITLE
**Ground Floor
 Landscape Concept Plan**

CLIENT
Crown Wollongong Pty Ltd

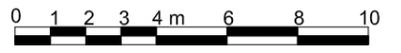
DRAWING NO.
1915-LD01B

SCALE: 1:100 @ A1, 1:200 @ A3

CHECKED: TW

DATE: 21.05.20

REFER TO ENGINEERS PLANS PREPARED BY JONES NICHOLSON FOR DETAILED STREETScape CONTOURS AND CROSS SECTIONS



QUEENS PARADE

POTENTIAL PUBLIC ART ELEMENT MARKING THE CORNER OF THE SITE SET ONTO PLINTH MAXIMUM 400mm HIGH

LARGE FORMAT BASALT PAVING AS PER THE CITY CENTRE PUBLIC DOMAIN TECHNICAL MANUAL

PROPOSED STREET TREE PLANTING

EXISTING TREES TO BE RETAINED AND PROTECTED

RECOMMENDED PLANT SPECIES

BOTANIC NAME

COMMON NAME

TREES

Acmena smithii 'Minor'
Elaeocarpus reticulatus
Michelia 'Kay Parris'
Magnolia 'Teddy Bear'
Lagerstroemia indica 'Sioux'
Syzygium leuhmannii
Tristanopsis laurina 'Luscious'
Plumeria acutifolia

Lily Pilly
Blueberry Ash
Dwarf Magnolia
Dwarf Magnolia
Crepe Myrtle
Brush Cherry
Water Gum
Frangipani

LARGE SHRUBS

Backhousia citriodora
Ixora chinensis
Metrosideros 'Spring Fire'
Callistemon 'Great Balls of Fire'
Pholnia glabra 'Fraser'
Syzygium 'Resilience'
Acmena 'Cherry Surprise'
Viburnum 'Eve Prince'

Lemon myrtle
Ixora
Dwarf NZ Xmas Bush
Bottlebrush
Photinia
Dwarf Brush Cherry
Dwarf Lilly Pilly
Sweet Viburnum

MEDIUM TO LOW SHRUBS

Callistemon 'White Anzac'
Acmena 'Hedgmaster'
Metrosideros 'Fiji Fire'
Raphiolepis 'Dalese'
Westringia 'Mundil'
Westringia fruticosa

Dwarf Bottlebrush
Dwarf Lilly Pilly
NZ Xmas Bush
White wax flower
Dwarf Coastal Rosemary
Coastal Rosemary

SMALL ACCENT PLANTS

Blechnum 'Silver Lady'
Bromeliad cvs
Dianella 'Tas Red'
Strelitzia juncea
Liriope 'Just Right'
Zamia furfuracea

Silver Lady
Bromeliad
Paroo Lilly
Fine Leaf Bird of Paradise
Turf Lilly
Cardboard Plant

GROUNDCOVERS

Alternanthera 'Little Ruby'
Gardenia radicans
Disphyllum 'Sunburn'
Westringia 'Zena'
Scaevola 'Purple Fanfare'
Myoporum parvifolium

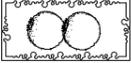
Alternanthera
Dwarf Gardenia
Native Disphyllum
Dwarf Coastal Rosemary
Fan Flower
Creeping Boobialla

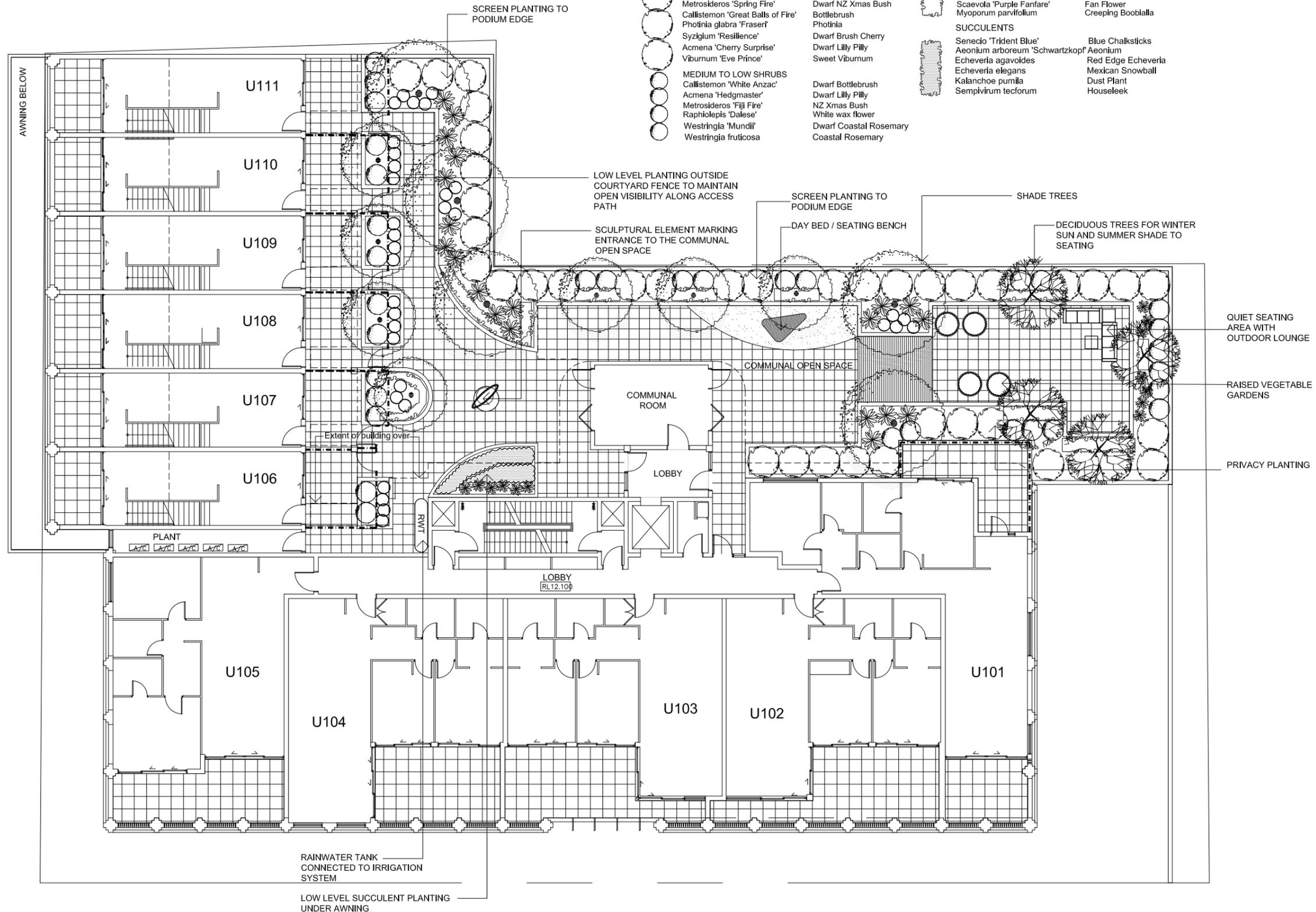
SUCCULENTS

Senecio 'Trident Blue'
Aeonium arboreum 'Schwartzkopf'
Echeveria agavoides
Echeveria elegans
Kalanchoe pumila
Sempivivum tectorum

Blue Chalksticks
Aeonium
Red Edge Echeveria
Mexican Snowball
Dust Plant
Houseleek

LEGEND

-  Proposed tree planting
-  Proposed mass shrub planting
-  Proposed synthetic turf
-  Proposed select unit paving
-  Proposed timber look tiles
-  Proposed outdoor furniture
-  Proposed slatted courtyard fencing
-  Proposed raised planters



ISSUE: Amended Development Application 10.02.21
 ISSUE: For Co-ordination 28.01.21, 02.02.21
 ISSUE: Development Application 30.09.20, 21.09.20, 15.10.20
 ISSUE: For Co-ordination 09.06.20, 16.07.20, 21.07.20, 21.09.20
 REV.C: Add communal room, amend fence, landscape 28.01.21
 REV.B: Amend Communal Open Space 12.10.20
 REV.A: Amend building line and landscape 21.09.20

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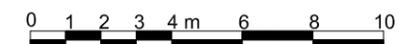
PROJECT
 Proposed Mixed Use Development
 40 - 46 Crown Street
 WOLLONGONG

DRAWING TITLE
 Level One
 Landscape Concept Plan

CLIENT
 Crown Wollongong Pty Ltd

DRAWING NO.
 1915-LD02C

SCALE: 1:100 @ A1, 1:200 @ A3
 CHECKED: TW
 DATE: 21.05.20



Attachment 4

**Wollongong Design Review Panel via Teams Meeting
Meeting minutes and recommendations**

Date	30 November 2020
Meeting location	Wollongong City Council Administration Offices
Panel members	David Jarvis Sue Hobley Tony Quinn
Apologies	Nil
Council staff	Pier Panozzo – City Centre & Major Development Manager Brad Harris – Development Project Officer
Guests/ representatives of the applicant	Angelo Di Martino – ADM Architects Luke Rollinson – MMJ Wollongong Alex Pupovac - Developer
Declarations of Interest	None
Item number	3
DA number	DA-2020/1292
Determination pathway	Wollongong Local Planning Panel
Property address	40-46 Crown Street, Wollongong
Proposal	Demolition of existing structures and construction of a mixed-use development
Applicant or applicant's representative address to the design review panel	The applicant addressed the panel
Background	The site was inspected by the Panel on 30 November 2020
Design quality principals SEPP 65	
Context and Neighbourhood Character	<p>The proposal is located in a mixed-use zone on the edge of Wollongong's commercial core. Multi storey (up to 13 storeys) mixed use buildings that realise the full potential of Council's built-form controls are located on the adjacent sites to the south. Whilst the remainder of the city block in which the proposal is located contains lower scale (up to 3 storeys) retail and commercial buildings, it is envisaged that over time the remainder of the city block will be developed to accommodate larger scale buildings consistent with Council's vision for this precinct (mixed use buildings up to 10 storeys in height) with the exception of the heritage listed building on the corner of Crown street and Corrimal Street, which will remain a modestly scaled 3 storey building.</p> <p>The site's western boundary adjoins the heritage listed building that forms a 3-storey high street wall along Crown Street. In response to the heritage building, the proposal provides a continuation of the 3-storeys street wall with a framed brick base to the remainder of Crown Street. The main bulk of the proposed building form runs along Queens Parade, maximising the separation between the 3-storey heritage building and the proposed 10-storey mixed used building.</p> <p>The applicant's site analysis provides a reasonable description of the context of the site that has informed an appropriate built-form response to the site.</p>
Built Form and Scale	<p>The Panel endorses the basic site planning principles adopted by the applicant. The 3-story street wall to Crown Street and the 10-storey tower to Queens Parade both respond appropriately to the immediate context of the site. However, further detail refinement / clarification of the following issues is required:</p> <ul style="list-style-type: none"> - The building has been set back on the corner of Crown Street and Queens Parade allowing a colonnade to

	<p>address the street corner and providing a generously proportioned contribution to the public domain on the street corner.</p> <p>The level of the street falls approximately 1m within the length of the colonnade. However, it is unclear how these levels are accommodated and what resultant crossfalls will be in this area. Further detail is required to document this space. The public artwork and adjacent steps must be clearly documented along with detailed site levels within the public domain. In principle this space should remain as open and connected with the street as possible.</p> <ul style="list-style-type: none"> - The residential entry is located on Queens Parade. The entry has been clearly expressed within the base of the building, to provide a legible entry within the building façade. However, the entry expression is less clear when experienced at street level. When approached from Crown Street the entry will be hidden behind a blade wall and the more generously proportioned commercial carpark entry will be far more prominent. To address this issue, it is recommended that the blade wall be removed, the width of the residential foyer / street frontage be increased, adjacent egress doors be treated with recessive finishes and the extent of glazing / width to the commercial carpark entry be reduced. - The northern portion of Queens Parade is addressed by blank brick walls at street level. Further development is recommended to provide natural light into the pedestrian ramp exiting the commercial carpark, located behind the blank wall. The aim should be to articulate the façade and improve the spatial quality of the circulation areas without exposing the carpark to the street. - Consideration should be given to providing high level windows to the kitchen / dining areas of the northern most units on levels 1 and 2 (U101 and U201). This will provide improved amenity and contribute to the articulation of these facades. - A white vertical blade wall has been applied to the Queens Parade façade. The blade wall blocks view of the residential entry, creates awkward indentation in balconies at levels 1 and 2 and appears inconsistent with the more refined expression of the proposed building. Whilst the intent to break down the width of the Queens Parade façade is reasonable it should be achieved in a more subtle manner without compromising the amenity of the building.
Density	The proposal complies with Council's maximum density controls and presents as a building consistent with the future desired character of this precinct.
Sustainability	<p>24 of the proposed 40 units (60%) are natural cross ventilated this is consistent with the objectives of the ADG.</p> <p>The ADG requires that a minimum of 70% of units receive a minimum of 2 hours solar access (to living rooms and private open space) between 9am and 3pm, mid-winter. The solar access diagrams provided do not demonstrate compliance with ADG minimum solar access requirements.</p>

	<p>Units U303, U302, U403, U402, U503, U502, U603, U602, U703, U702, U803 and U802 are dependent upon solar access in the morning between 9am and 11am. The solar access study (drawing No A403-A) does not demonstrate solar access to the living rooms and private open space of these units at 11am. Sun's eye views should be provided to clarify this issue.</p> <p>Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimization measures should be considered including the reuse of rainwater for toilet flushing and use in washing machines. The use of solar water heating and photovoltaic cell is also encouraged.</p>
<p>Landscape</p>	<p>The Panel is largely satisfied that the landscape plan is suitable for a development of this nature, with the following comments / suggestions:</p> <ul style="list-style-type: none"> - It will be important to resolve the levels at the building's street access in a manner that enhances the streetscape rather than presenting as a utilitarian means of providing ramped and stepped access. It is unclear whether the proposal viewed by the Panel achieves this. - If access to the 2-storey Crown Street apartments is via the communal private open space on level 1, it may assist with way-finding to incorporate the garden beds into the apartments' private open spaces behind low fences that create a "streetscape" character and clear line of passage to each gate.
<p>Amenity</p>	<p>Residents of the two-storey Crown Street apartments enter the building from Queens Parade, arrive in the lobby of the Queens Parade building at level 1, then access the front door of each unit via the level 1 podium. The route of travel from street to front door is contorted / indirect, making wayfinding difficult. A more direct entry process should be developed to allow residents to exit the lift directly on to the podium, in a location that provides a direct linear path of travel to the front door of each unit. This could be achieved by either:</p> <ul style="list-style-type: none"> - providing a second lift / entry lobby that is accessed from Crown street; or - relocating the existing lift and associated ground floor lobby further south and providing a double-sided lift that provides access directly on to the podium as well as into the lobbies of the Queens Parade building. <p>All commercial spaces must be accessible from the commercial carpark without the need to leave the building or access residential common areas. To achieve this, access must be provided to commercial space 4 from the loading zone.</p> <p>Penthouses are located over level 8 and lower roof levels. Penthouse layouts follow basically the same layout as the standard units below but push bedrooms to the front of the Queens Parade façade to help accommodate stairs as well as providing an additional living space and terrace at the upper level. The roof follows the profile of the building below creating balconies that appear to be around 7m deep. This strategy creates more</p>

	<p>perceived mass on the top two levels of the building than within the base of the building.</p> <p>It is recommended that further development seek to provide a new typology of unit for the Penthouses rather than an adaptation of the standard unit type. For instance, why not develop the upper level to contain your main living space / kitchen (and wc) that have a direct connection to the roof terrace, rather than a small room lacking good amenity. In doing this, consideration can be given to providing a more controlled expression to the top of the building.</p> <p>The Panel queried the compliance of apartments U105 & 205 with the combined kitchen, dining & living spaces exceeding the 8m depth rule.</p>
Housing Diversity and Social Interaction	The proposal will provide an appropriate housing option for this precinct.
Aesthetics	<p>An appropriate building form and pallet of materials have been proposed. However, further refinements to the building expression are recommended:</p> <ul style="list-style-type: none"> - Reconsider the Queens Parade vertical blade expression, see comments above (built form) - Clarity of entry, see comments above (built form) - Further development to the expression of the top of the building, see comments above (amenity) <p>The aesthetic quality of the proposal will be greatly dependent upon the detail resolution of the building. To assist in achieving this goal, the applicant is requested to provide detail sections (1:20 recommended) through the building. Section should show how drainage is incorporated, type of balustrades used, lighting details, proportions of louvres / screens, cladding details and brick work details. An external material and finishes board should also be provided.</p> <p>Servicing of the building must be considered at this stage of the design process. The location of service risers, AC condensers, down pipes, fire hydrant boosters etc should be accommodated</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Further refinement and documentation required.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Further refinement and documentation required.
Whether the proposed development detrimentally impacts on view corridors,	
Whether the proposed development detrimentally overshadows an area shown	NA

distinctively coloured and numbered on the Sun Plane Protection Map,	
How the development addresses the following:	
the suitability of the land for development,	The development is suitably proportioned and located to accommodate the proposed mixed-use development.
existing and proposed uses and use mix	The proposed mixed-use building is consistent with council long term vision for this precinct.
heritage issues and streetscape constraints,	The proposal responds appropriately to the neighbouring heritage building. By providing an appropriately scaled building that completes the street wall along Crown Street and locates building bulk away from the heritage structure. It is recommended that a detail drawing is provided to document the interface between the heritage building and the proposal.
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 building form has been appropriately distributed to respond appropriately to the immediate context of the site.
bulk, massing and modulation of buildings	Further refinement of the expression of the top of building is recommended.
street frontage heights	Appropriate.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Further development required.
the achievement of the principles of ecologically sustainable development	Further development required.
pedestrian, cycle, vehicular and service access, circulation and requirements	Further refinement, clarification required.
impact on, and any proposed improvements to, the public domain	Further clarification of street corner level treatment required.
Key issues, further Comments & Recommendations	The Panel endorses the basic site planning principles adopted by the applicant. The 3-story street wall to Crown street and the 10-storey tower to Queens Parade both respond appropriately to the immediate context of the site. However, further detail development and design intent clarification, as outlined in this report are required to address design excellence criteria.

level when looking west or east. As neither of these facades are likely to be built out, more consideration should be given to how the tower facade could be further modulated.

RESPONSE : The proposed building is appropriate in terms of its bulk and height in relation to the current and desired future character of the area. The overall height complies with what is identified as the maximum permissible height for the site as defined by the 2009 Wollongong Local Environmental Plan. The articulation of the built form has been considered relative to both the immediate and broader character of Crown Street. The proposed scale, bulk and height has been informed by the evolving status and desired future character of the location. Future development on the Catholic land opposite would have no detrimental impact as the site is located westward of the land and overshadowing impacts from future buildings would be minimal. The potential for taller buildings across the lands would build out the proposed Queen Street facade.

The proposal meets the density objectives of the site as defined by the 2009 Wollongong Local Environmental Plan. The development comprises a mix of residential uses which will enable the highest and best use of the site to be realised, in turn supporting a mix of apartment types and sizes. The envelope is consistent with what is envisaged for the site and locality. The density is appropriate and can be sustained by the existing infrastructure and services within the location.

Active frontages

The residential balconies and living spaces above the commercial premises facing Crown St will facilitate good passive surveillance. The resolution of the north and south facing facades of 101 and 105 , and 201 and 205 needs further work. The metal infill panels in the brickwork frame here is not as successful as some of the other facade details

RESPONSE : The north facade has been updated in response to the above commentary to include additional windows to units 201 and 205 and a pattern of hit and miss brickwork to the carpark wall, which together improve modulation to the elevation. The southern facade does not have opportunities to provide the same form of articulation, but instead provides a highly detailed brick colonnade which frames openings including the metal infills, noting the metal work is a continuation of materials used in the tower above.

Street Trees

Crown Street is noted as a key green street in the adopted City Centre Urban Design Framework. The proposed development retains the 2 existing Plane trees on Crown Street. The retention of these trees is strongly supported.

These existing trees are noted on the survey as being approximately 17-18m tall (top of tree RL 25.05) . It is noted that the building footprint, including the basement, is set back almost entirely from the dripline of these trees. Detailed analysis is needed to establish the potential impact of the south eastern corner of the Commercial Space 2 and its awning on the existing trees. It is noted that the existing trees drawn on the south elevation (A-202) are much smaller than they are in reality. These should be drawn accurately to understand the impact of the adjacent facade/awning.

Discussions with Council's Landscape Architects to determine what street greening may be possible west of the existing street trees is encouraged. It is noted that two trees are shown west of the existing trees south elevation A-202 but these don't appear on the Ground floor plan or the landscape plan.

Provision for new street trees should be thoroughly investigated prior to development consent in order to determine coordination with underground services and appropriate vaulting measures.

REPOSE: Refer response by DSB Landscape Architects .

Materiality

There is a good mix of materials across the proposed development. The materials schedule shows grey tinted glass throughout the development. The applicant could consider varying the glass between the base and the tower of the building. It is important that the commercial facade glazing is transparent and visual access is not impeded by decals etc. Consideration of the likely users is necessary to determine whether the full height glazing that is proposed will be fit for purpose.

RESPONSE : The architect and applicant agree that the ground floor commercial glazing can be clear. Refer amended materials schedule.

Heritage

Whilst restricting the tallest element of the development to the corner of Harbour Street away from the adjacent Heritage item (Come/li Bra's Building {64731}) is a desirable approach, it is noted that the Crown Street interface with the Come/li Bra's building could be improved by providing a visual break between the new development and the heritage building. This could be achieved through the use of a darker coloured brick on the Crown Street frontage and/or lowering the parapet to assist in defining the proposed development as a separate building.

The northern elevation of the Tower, which is highly visible from the State Heritage on Market Street item could also be refined. The "grid" appears to be a continuation of the Crown Street facade with no architectural purpose. This is a key view although it is noted that existing residential development already provides a backdrop to the building.

To address the above issues the following additional information is required :

- 1. An updated Crown Street Elevation provides visual break between buildings;*

RESPONSE : The amended design lowers the proposed parapet so it does not align in height with the existing heritage parapet. The applicant agrees that this amendment provides additional visual discontinuation of form and helps define the proposed building as a separate building.

- 2. An updated eastern elevation that activates Queen's Parade frontage (also refer to DRP comments);*

RESPONSE : The following improvements are made to the Queen Street Elevation:

- Wider residential entry lobby
Removal of the large vertical blade wall near the residential entry
 - Addition of mailbox and signage wall
 - Additional landscape planting
Increased glazing to the commercial lobby facade fronting the street
 - A pattern of hit and miss brickwork to replace brickwork panels (between columns)
- 3. A photomontage showing interaction between the Come/li Bra's Building and the proposal on Crown Street;*

RESPONSE : A new photomontage has been prepared focusing specifically on the interface between the Comelli Building and the Crown Street facade.

4. A Heritage Interpretation Plan

RESPONSE : The proponent currently leases the property to BMW Motors and their ongoing operations would restrict the possibility of undertaking the necessary ground works required to prepare a detailed Heritage Interpretation Plan. It would be more appropriate to prepare the plan after site works commence under instruction of an archaeologist.

The following is a response provided to the applicant by Archaeologist Alex Beben:

"The tangible heritage values of the study area are restricted to potential archaeological deposits and remains, that are yet to be revealed. Whilst a Heritage Interpretation Strategy can be prepared at this time, it would be limited in scope, as it will not be possible to determine the interpretive mediums to be used until the conclusion of the archaeological program. Austral recommends that any Heritage Interpretation Plans are conditioned so that these can be prepared following the completion of the archaeological program."

Stormwater

The assessment of the abovementioned development has been completed in accordance with Wollongong DCP 2009, Chapter 8 1: Residential Development, Chapter E13: Floodplain Management & Chapter E14: Stormwater Management.

An overland flow path must be provided from the Communal Open Space on level 1 for when blockage or overload of the stormwater system occurs. The overland flow path must not direct flows to adjoining properties or into floor areas. Details of the overland flow path from the communal open space must be provided.

- Based on the stormwater design it appears OSD was provided to limit kerb discharge flows to 55Us in the minor storm, however no calculations or details were provided to demonstrate the design achieves the requirements. In this regard, the ORA/N's modelling to reflect the above requirements must be provided.*
- Overland flows from the landscape strip on the northern side of the development appear to be directed into the adjoining property. The stormwater design must include a method of accepting the overland flow to ensure flows are not directed onto adjoining property and cause a nuisance issue.*

The site is noted as uncategorised flood risk, based on the flooding characteristics the flows within Crown St are considered to be overland flow as per section 5.6 of Chapter E13. The floor levels of Commercial space 1 and 2 must be designed to ensure they achieve a minimum 300mm freeboard above the adjacent 1% AEP flood level. Refer to below 1% AEP flood level extract within Crown St, the flood levels on the southern side of Crown St are considered to govern the floor level requirements for the development.

Alternatively, given that pedestrian connectivity and improved street activation is a key outcome for CBD development and that the proposed floor level is above the 1%, the development may be flood proofed up to the highest adjacent 1% AEP flood level plus 300mm freeboard. Details of the proposed flood proofing and locations where it is proposed must be clearly shown on plan

RESPONSE : Refer Response by Jones Nicholson Consulting Engineers.

Environment

Contaminated Land

The Preliminary Site Investigation (PSI) report prepared by Environmental Consulting Services dated 25 July 2020 included five soil samples taken using hand auger less than 80cm deep and their analysis.

The soil samples indicate fill materials consist of range of clayey mix and ash coal material cover by Bitumen top surface . The analysis of soil samples complies with the NHMRC guidelines for residential purposes. However, the areas of environmental concern (AEC) where the current workshop and storage of oils and chemicals soil sampling was not carried out. Given that the proposal requires excavation more than 7.0 metres below ground level to construct two level car park, the excavated material will be disposed of off-site.

To address the provisions of SEPP 55-Remediation of Land site assessment reports (Stage I to IV) are to be prepared or reviewed by a certified contaminated land consultant in accordance with Chapter E20 - Contaminated Land Management of WDCP 2009 and the Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA, 2011) and submitted to Council for assessment.

Note: Chapter E20 of WDCP 2009 has been reviewed and to ensure consultants preparing Stage I to IV reports have the necessary competencies to carry out the work they are required to be certified under one of the following contaminated land consultant certification schemes:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or*
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (GPSS CSAM) certification.*

If the author or reviewer of the Preliminary Site Investigation (PSI) report prepared by Environmental Consulting Services dated 25 July 2020 is not a certified consultant in accordance with the above, the report will need to be peer reviewed by an appropriately certified environmental consultant.

RESPONSE : Refer peer review report from Environmental Consulting Services. You will note that the report is signed off by an appropriately accredited professional.

Acoustic Report

The proposed development site is within the night economy zone and the Wollongong City Council CBD night time economy policy dated November 2020 will apply to the proposed development. The subject site is within the Wollongong CBD and has the following notation on the Planning certificates: 'residential evening economy zones' clearly identify the area's capacity for evening trading to alert recipients of the certificates to potential noise, traffic and longer trading hours impacts which are part of living near a commercial centre.

*As the proposed development is likely to be adversely affected by road noise and night time economy noise, an acoustic report prepared by a consultant who is a member of the Australian Acoustical Society (AAS) or the Association of Australasian Acoustical Consultants (AAAC) is to be submitted to Council to ensure that the following LAeq levels **will** not be exceeded:*

- a in any bedroom in the residential accommodation - 35d8(A) at any time between 10 pm and 7 am,*
- b anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time.*

All mechanical plant must be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and (if necessary) standard acoustic treatments such as noise screens, enclosures, in-duct treatments (silencers/lined ducting) or similar.

RESPONSE : Refer acoustic report by Harwood Acoustics .

Landscaping

A review of the submitted Landscape Plan prepared by Ochre Landscape Architects and Arboricultural Impacts Assessment prepared by Allied Tree consultancy in consideration of Chapters 81, E6 and Et 7 of the Wollongong City Council DCP2009 with respect to Landscaping has found it to be unacceptable for the following reason :

It would appear the proposed awning on Crown Street conflicts with the canopy of the existing street tree numbered and described as tree 1 in submitted Arboricultural Impact Assessment. It is requested that the proposed awning be modified to ensure the preservation of the majority of the canopy of trees 1 and 2.

An elevation is to the provided indicating existing trees 1 and 2, the proposed awning and the required pruning.

RESPONSE : Additional survey of the bottom branches of the trees has been undertaken. The branches in question are regrowth from a precious cutting that the arborist includes in his report could be pruned. The pruning of these small branches would allow the awning to be maintained. Refer architectural awning section drawing A-208 which includes a photo of the branches in question.

Design Review Panel

We provide the following responses to DRP commentary contained in 30 Nov 2020 meeting notes. Only matters raised by the panel that require a response are itemised below.

- The level of the street falls approximately 1m within the length of the colonnade. However, it is unclear how these levels are accommodated and what resultant crossfalls will be in this area. Further detail is required to document this space. The public artwork and adjacent steps must be clearly documented along with detailed site levels within the public domain. In principle this space should remain as open and connected with the street as possible.*

RESPONSE : The applicant would agree with DRP that the space is to remain as open and connected to the public domain as possible. Refer further detail by Jones Nicholson Engineers.

- The residential entry is located on Queens Parade. The entry has been clearly expressed within the base of the building, to provide a legible entry within the building facade. However, the entry expression is less clear when experienced at street level. When approached from Crown Street the entry will be hidden behind a blade wall and the more generously proportioned commercial carpark entry will be far more prominent. To address this issue, it is recommended that the blade wall be removed, the width of the residential foyer / street frontage be increased, adjacent egress doors be treated with recessive finishes and the extent of glazing / width to the commercial carpark entry be reduced .*

RESPONSE : In accordance with the DRP recommendation, the blade wall is removed and the residential entry width increased. The commercial entry has been pushed northward to increase the distance to the residential door.

- *The northern portion of Queens Parade is addressed by blank brick walls at street level. Further development is recommended to provide natural light into the pedestrian ramp exiting the commercial carpark, located behind the blank wall. The aim should be to articulate the facade and improve the spatial quality of the circulation areas without exposing the carpark to the street.*

RESPONSE : In accordance with the DRP recommendation , the blank wall at street level on both the east and north facade has been modulated by a pattern of hit and miss brickwork which also serves the purpose of providing natural ventilation to the carpark behind. The spatial quality of the commercial entry is improved by providing a full height window fronting Queen Street at the entry landing. In addition to the above, a landscape strip has been added between the boundary and the wall.

- *Consideration should be given to providing high level windows to the kitchen / dining areas of the northern most units on levels 1 and 2 (U101 and U201). This will provide improved amenity and contribute to the articulation of these facades.*

RESPONSE : In accordance with the DRP recommendation additional windows have been added to the north facade of U101 and U201.

- *A white vertical blade wall has been applied to the Queens Parade facade . The blade wall blocks view of the residential entry, creates awkward indentation in balconies at levels 1 and 2 and appears inconsistent with the more refined expression of the proposed building. Whilst the intent to break down the width of the Queens Parade facade is reasonable it should be achieved in a more subtle manner without compromising the amenity of the building.*

RESPONSE : In accordance with the DRP recommendation the white blade wall is removed from ground level to roof level.

- *The ADG requires that a minimum of 70% of units receive a minimum of 2 hours solar access (to living rooms and private open space) between 9am and 3pm, mid-winter. The solar access diagrams provided do not demonstrate compliance with ADG minimum solar access requirements. Units U303, U302, U403, U402, U503, U502, U603, U602, U703, U702, U803 and U802 are dependent upon solar access in the morning between 9am and 11am. The solar access study (drawing No A403-A) does not demonstrate solar access to the living rooms and private open space of these units at 11am . Sun's eye views should be provided to clarify this issue.*

RESPONSE : In accordance with the DRP recommendation, additional sun eye views have been prepared which confirm compliance with the ADG solar access requirements. Refer architectural drawings A-405 and A-406 .

- *Opportunities to harvest rainwater for use in maintaining any plantings established on the building or the site should be explored. Other water minimization measures should be considered including the reuse of rainwater for toilet flushing and use in washing machines. The use of solar water heating and photovoltaic cell is also encouraged.*

RESPONSE : In accordance with the DRP recommendation a rainwater tank is provided at podium level to supplement water supply for irrigation of plants around the COS. PV cells are provided at roof level.

- *It will be important to resolve the levels at the building's street access in a manner that enhances the streetscape rather than presenting as a utilitarian means of providing ramped and stepped access. It is unclear whether the proposal viewed by the Panel achieves this.*

RESPONSE : There are no areas of "stepped access" into the building. All access is universal and fully compliant with AS1428.

- *If access to the 2-storey Crown Street apartments is via the communal private open space on level 1, it may assist with way-finding to incorporate the garden beds into the apartments' private open spaces behind low fences that create a "streetscape" character and clear line of passage to each gate.*

RESPONSE : In accordance with the DRP recommendation, the garden bed areas have been allocated to the POS of the 2 storey apartments, however the applicant supported a suggestion by the landscape architect to retain a small portion of the landscape bed to the COS side.

- *Residents of the two-storey Crown Street apartments enter the building from Queens Parade, arrive in the lobby of the Queens Parade building at level 1, then access the front door of each unit via the level 1 podium. The route of travel from street to front door is contorted & indirect, making wayfinding difficult. A more direct entry process should be developed to allow residents to exit the lift directly on to the podium, in a location that provides a direct linear path of travel to the front door of each unit. This could be achieved by either:*
 - *providing a second lift & entry lobby that is accessed from Crown street; or*
 - *relocating the existing lift and associated ground floor lobby further south and providing a double-sided lift that provides access directly on to the podium as well as into the lobbies of the Queens Parade building.*

RESPONSE : In accordance with the DRP recommendation, the layout is amended to include a second lift lobby providing direct access to the podium landscape pathway dedicated for access to the two storey Crown Street apartments. The new lobby is also located adjoining a small common room as suggested by the DRP.

- *All commercial spaces must be accessible from the commercial carpark without the need to leave the building or access residential common areas. To achieve this, access must be provided to commercial space 4 from the loading zone.*

RESPONSE : In accordance with the DRP recommendation, the plans are amended to provide rear access into Commercial Space 4 from the loading dock.

- *Penthouses are located over level 8 and lower roof levels. Penthouse layouts follow basically the same layout as the standard units below but push bedrooms to the front of the Queens Parade facade to help accommodate stairs as well as providing an additional living space and terrace at the upper level. The roof follows the profile of the building below creating balconies that appear to be around 7m deep. This strategy creates more perceived mass on the top two levels of the building than within the base of the building. It is recommended that further development seek to provide a new typology of unit for the Penthouses rather than an adaptation of the standard unit type. For instance, why not develop the upper level to contain your main living space & kitchen (and we) that have a direct connection to the roof terrace, rather than a small room lacking good amenity. In doing this, consideration can be given to providing a more controlled expression to the top of the building.*

RESPONSE : Whilst the penthouse plan is of similar layout to the plan below, the space created is very different. Each living area is provided with a light filled double height space connected to the roof top entertaining areas. The layout strategy is in keeping with the client brief and marketing advice. The resultant roof form is appropriate and provides suitable cover to the entertaining areas.

- *The Panel queried the compliance of apartments U105 & 205 with the combined kitchen, dining & living spaces exceeding the Bm depth rule.*

RESPONSE : In accordance with the DRP recommendation, an additional window has been introduced at the rear of U105 & U205 near the kitchen to comply with the ADG requirement.

- *The aesthetic quality of the proposal will be greatly dependent upon the detail resolution of the building. To assist in achieving this goal, the applicant is requested to provide detail sections (1:20 recommended) through the building. Section should show how drainage is incorporated, type of balustrades used, lighting details, proportions of louvres I screens, cladding details and brick work details. An external material and finishes board should also be provided.*

RESPONSE : In accordance with the DRP recommendation, an additional facade detail drawing has been prepared. Refer architectural drawing A-207 .

- *Servicing of the building must be considered at this stage of the design process. The location of service risers , AC condensers, down pipes, fire hydrant boosters etc should be accommodated*

RESPONSE : A dedicated service area for condenser units is located behind the lift/stair core. All downpipes will be concealed within the structure. The fire hydrant booster location is shown on the ground floor plan.

- *The proposal responds appropriately to the neighbouring heritage building. By providing an appropriately scaled building that completes the street wall along Crown Street and locates building bulk away from the heritage structure. It is recommended that a detail drawing is provided to document the interface between the heritage building and the proposal.*

RESPONSE : In accordance with council's own heritage officer's advice, the parapet was lowered and a photomontage is provided to better illustrate the interface between the Comelli building and the new 3 storey Crown Street wall. Refer architectural drawing A-009.

If you have any questions please don't hesitate to contact our office.

Yours Sincerely,



Angelo Di Martino

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EXCEPTION TO DEVELOPMENT STANDARDS VARIATION STATEMENT

Building Separation - Wollongong City Centre

Address: 40 – 46 Crown Street, Wollongong
Proposal: Mixed Use Development
Date: March 2021

1.0 Introduction

The purpose of this variation statement is to outline the justification for seeking an exception to the minimum building separation within Zone B4 Mixed Use (being a development standard) contained within the *Wollongong Local Environmental Plan 2009 (WLEP 2009)*. This variation statement has been prepared in consideration of Clause 4.6 and Clause 8.6 (Building Separation Criteria) in *WLEP 2009* and the NSW Department of Planning, Infrastructure and Environment's (DPIE) "*Varying development standards: a guide*" (August 2011).

The advice herein relates to an application for the proposed demolition of existing structures and construction of a multi-level mixed use commercial and residential development at 40-46 Crown Street, Wollongong. In this regard, the proposed development will incorporate the construction of a new nine (9) storey building including ground floor commercial space, two (2) levels of podium residential units supporting a residential tower above, to provide 40 residential apartments; communal space areas; and basement car parking over two (2) levels. The details of this proposal are shown within the Development Drawings prepared by ADM Architects (ADM) (attached to the application), which identifies the proposed building separation in question.

The proposed development application seeks to provide an appropriate and balanced development/environmental outcome for the subject site, and the Wollongong City Centre area as a whole. In doing so, an exception to a development standard contained within *Wollongong Local Environmental Plan (LEP) 2009* has been adopted. In this regard, the proposed development generally accords with all *LEP* controls, apart from a numerical variation being requested to the

building separation development standards contained within *Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use*. More specifically, the proposed development is deficient in achieving a 16m building separation for buildings to the north-west of the site. Hence the purpose of this statement.

The request is in writing to address the relevant provisions within *Clause 4.6*, to demonstrate that strict compliance with the development standard is unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the proposed variation sought.

This statement has been prepared in accordance with the NSW Department of Planning Infrastructure (DPI) guideline "*Varying Development Standards: A Guide*" dated August 2011. Applications to vary development standards should also address the 'five-part test' established by the NSW Land and Environment Court (LEC) to determine whether the objection is well founded. An assessment of this applicant against the 'five-part test' is included in this statement.

2.0 Overview of Clause 4.6 and Site

Clause 4.6 provides a framework for varying the applicable development standards under a Local Environmental Plan (LEP).

The objectives of this clause are as follows:-

- (a) *to provide an appropriate degree of flexibility in applying particular development standards to particular development;*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Sub *Clauses (3)(a)* and *(3)(b)* state that development consent must not be granted unless the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This Statement provides a written request seeking to demonstrate the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard based on the

following rationale (summary):

- The development largely complies with the other required numerical development standards of the LEP and DCP.
- The development is consistent with the objectives of the B4 Mixed Use Zone.
- Sufficient separation of buildings is still achieved for reasons of visual appearance, privacy and solar access.
- Through smart design treatments responding to habitable v non-habitable interfaces, the proposed building separation largely complies with the minimum required separation distances identified within the SEPP 65 Apartment Design Guide, to achieve reasonable levels of external and internal visual privacy.
- The proposed contravening the development standard will not limit the potential for the adjoining north-western site to be developed to its permitted capabilities in future.
- The development standard has been abandoned by Council's own actions in granting consents departing from the standard.

The zone objectives are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.*

The relevant zoning objectives outline a need to support the role of the City Centre by providing for a range of land use activities that support employment and public transport patronage (as above).

The proposed development is permissible within the B4 zone as a shop top housing development, providing a compatible land use with integrated commercial and residential spaces in an accessible location within close proximity to the CBD precinct and, local bus routes and Wollongong train station.

Such a proposal is in high demand for the immediate area (from a land use perspective) and the site itself is very accessible from a patronage and public transport viewpoint. Thus, the proposed development directly accords with the objectives of this zone.

An aerial view of the subject site is shown in *Figure 1*.

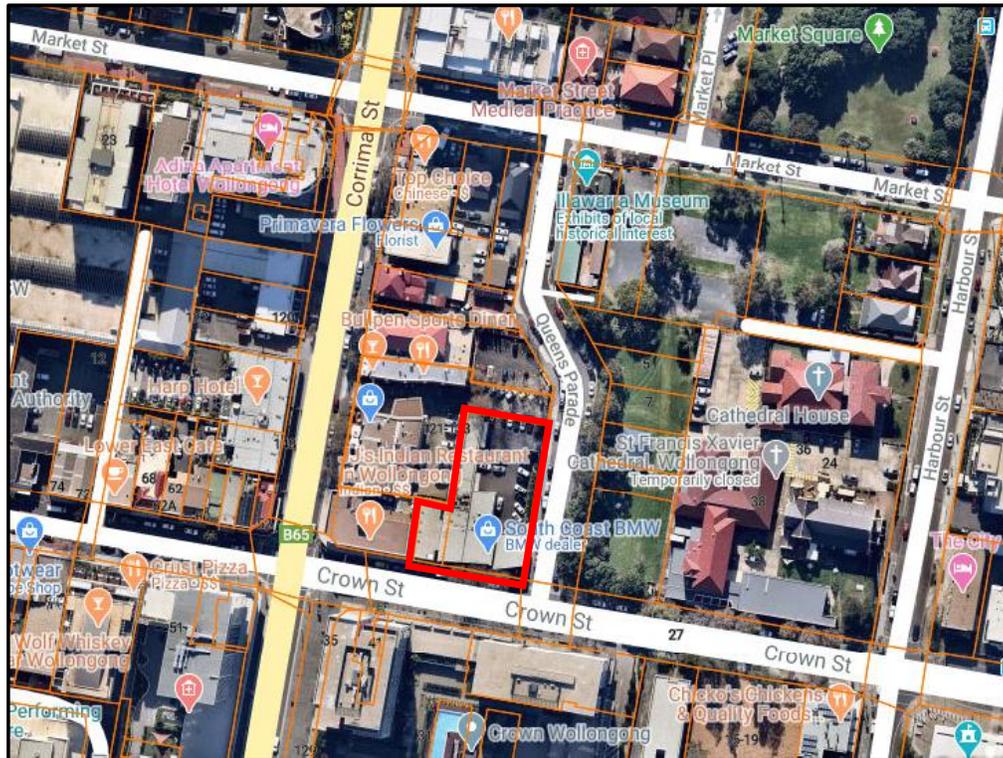


Figure 1: Aerial View of the Site and Locality (*Source: NearMap)

With regard to context and setting, in the immediate context, the property is located in at the north-eastern end of Wollongong CBD, which is primarily characterised by a mixed-use business and residential development. This existing area is host to a range of retail, commercial, and residential uses, however, is undergoing significant change with increased residential high density living buildings either approved or under construction. It is noted that many of the existing properties within the immediate setting are ageing and will likely be the subject of future redevelopment opportunities in years to come. This is already starting to come to fruition with various developments recently completed immediately south at Crown Street (The Crown), and the Oxford (Crown and Corrimal Streets), as well as the subject proposed development at hand. The proposed development has demonstrated that a functional shop top housing building can be provided, including appropriate carparking and access, landscaping and communal areas and facilities, without detrimentally impacting the surrounding properties.

In summary, it is concluded that the development standard is (3)(a) and (3)(b) unreasonable or unnecessary in the circumstances of the case.

A (3)(b) assessment of the proposal under the applicable planning controls has determined that besides the proposed variation to the building separation requirement and minor *WDCP 2009* variations, the development is largely compliant with the applicable controls. However, as demonstrated in this report, the proposed design mitigates any adverse impacts from the reduced building separation. In addition, solar access is not compromised to adjoining lots nor is the amenity (privacy, visual, acoustic etc.) and, as such, the surrounding properties will not be unreasonably impacted by the development.

The proposed building has been designed to respond appropriately to the limitations posed by the site, with the variation proposed only limited to that part of the site where site width is reduced. It is considered to be a reasonable development outcome for the site. In summary it is considered that there are sufficient site-specific environmental planning grounds to justify contravening the development standard.

Furthermore sub *Clause 4(a)(i)* and *(ii)* provide that development consent must not be granted unless:-

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the secretary has been obtained.*

In deciding whether concurrence is to be granted or assumed, the following considerations are relevant:-

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning; and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

It is noted that as of 21 May 2014 Council has assumed concurrence of the Secretary in relation to development applications that contravene development standards.

3.0 Details of the environmental planning instrument, the applicable development standard and proposed variation.

3.1 What is the applicable environmental planning instrument (EPI)?

The Wollongong Local Environmental Plan 2009 (WLEP 2009).

3.2 What is the development standard being varied?

The Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use requirement contained in Part 8 - Clause 8.6(3)(a) of the WLEP 2009 which states:

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

In this regard, where applying separation to buildings on adjoining sites, half the minimum separation distance measured to the boundary is applied. This distributes the building separation equally between sites. For example, in light of above, a 10 metre boundary setback should be applied where a proposed residential development (habitable parts) will interface with another adjoining residential development (habitable parts), whilst an 8 metre boundary setback should be applied where a proposed residential development (habitable parts) will interface with another adjoining commercial development (non-habitable parts).

To this end, the proposed development incorporates the following building line setback and separation

allowances:

Adjoining Properties	Boundary Setback Proposed	Boundary Setback Requirement (50% of building separation criteria)	Building Separation Allowance Proposed	Building Separation Requirement	Building Separation Compliance
North-West (121-123 Corrimal Street)	Level 1 = 5m to Unit 111 courtyard	8m for habitable to non-habitable interface	Level 1 = 11.5m to the rear upper level of 121-123 Corrimal Street	16m	No
North-West (121-123 Corrimal Street)	Level 2 = 6.74m to Unit 111 balcony	8m for habitable to non-habitable interface	Level 2 = 12.05m to the rear upper level of 121-123 Corrimal Street	16m	No

The proposed floor plans against existing boundary conditions to the north, as well as future contextual elevations and a 3D perspective are shown in the extracted architectural plans by ADM below.

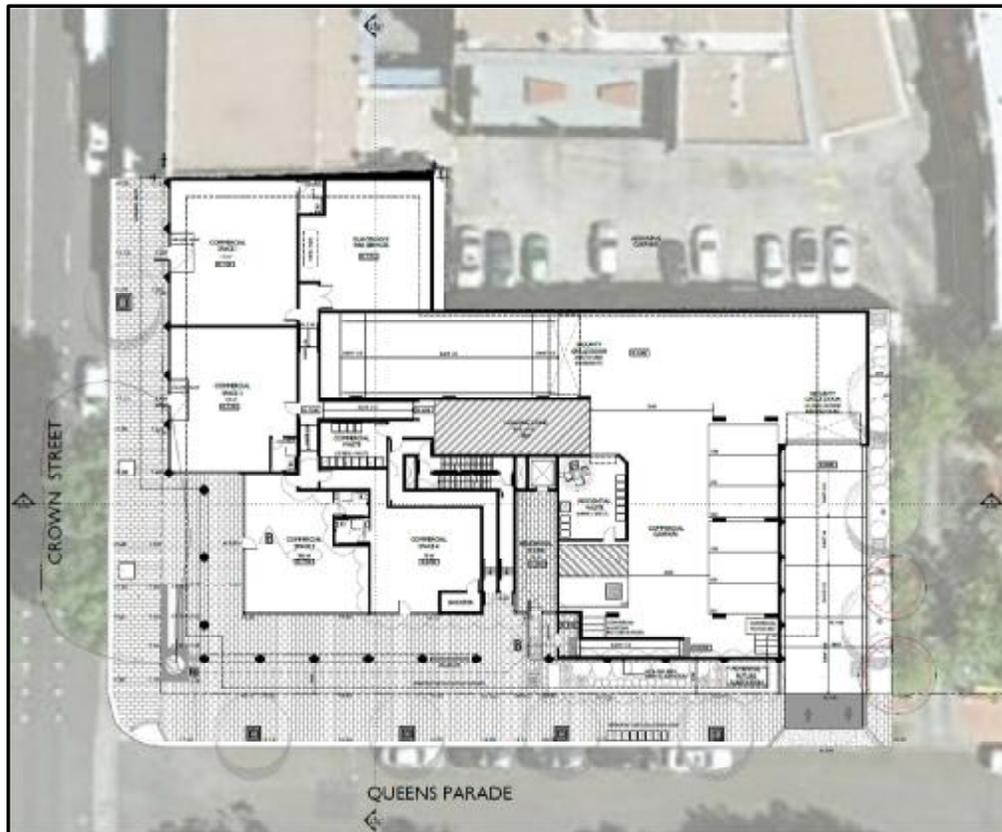


Figure 2: Proposed Site Plan (*Source: ADM Architects)



Figure 3: Proposed First Floor Plan (*Source: ADM Architects)



Figure 4: Typical Level 1 Floor Plan (*Source: ADM Architects)

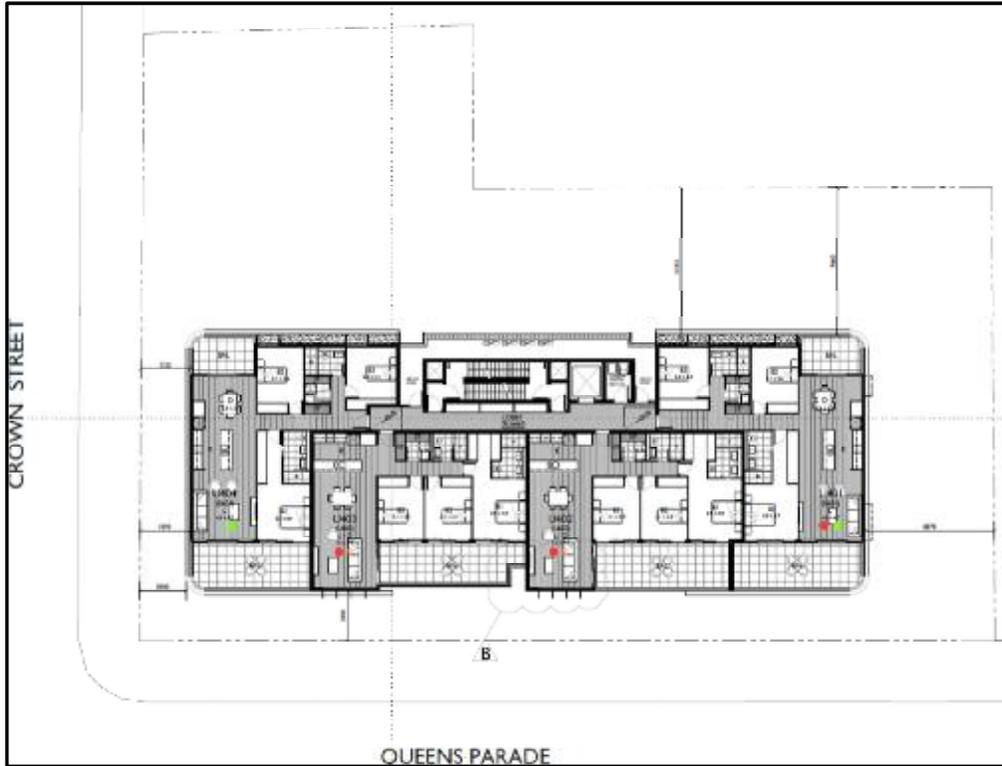


Figure 5: Typical Level 4 and 6 Floor Plan (*Source: ADM)

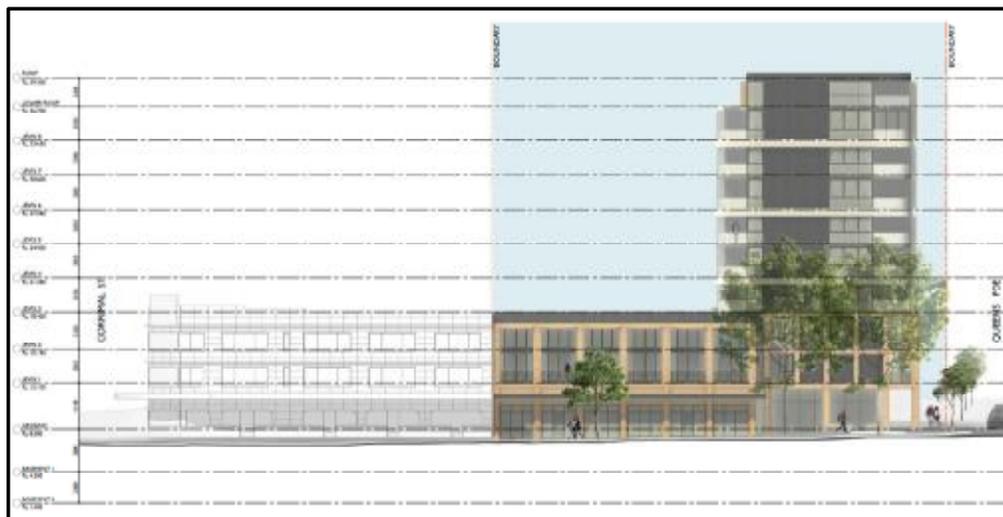


Figure 6: Southern Elevation (*Source: ADM)



Figure 7: Eastern Elevation (*Source: ADM)



Figure 8: 3D perspective (*Source: ADM Architects)

3.3 What are the objectives of the standard?

The objective of this clause is: *to ensure sufficient separation of buildings for reasons of visual*

appearance, privacy and solar access.

Further consideration of this objective in relation to the proposed development is provided within the following sections below.

3.4 What is the percentage variation (between the proposal and the EPI)?

The proposed development seeks the following percentage variations to the corresponding elevation:

Adjoining Properties	Boundary Setback Proposed	Boundary Setback Requirement (50% of building separation criteria)	Future Context Variation Extent (%)	Building Separation Allowance Proposed	Building Separation Requirement	Existing Context Variation Extent (%)
North-West (121-123 Corrimal Street)	Level 1 = 5m to Unit 111 courtyard	8m for habitable to non-habitable interface	37.5% shortfall	Level 1 = 11.5m to the rear upper level of 121-123 Corrimal Street	16m for habitable to non-habitable interface	28.1% shortfall
North-West (121-123 Corrimal Street)	Level 2 = 6.74m to Unit 111 balcony	8m for habitable to non-habitable interface	15.7% shortfall	Level 2 = 12.05m to the rear upper level of 121-123 Corrimal Street	16m for habitable to non-habitable interface	24.6% shortfall



Figure 9: Level 1 Building Separation to 121-123 Corrimal St (*Source: MMJ)



Figure 10: Level 2 Building Separation to 121-123 Corrimal St (*Source: MMJ)

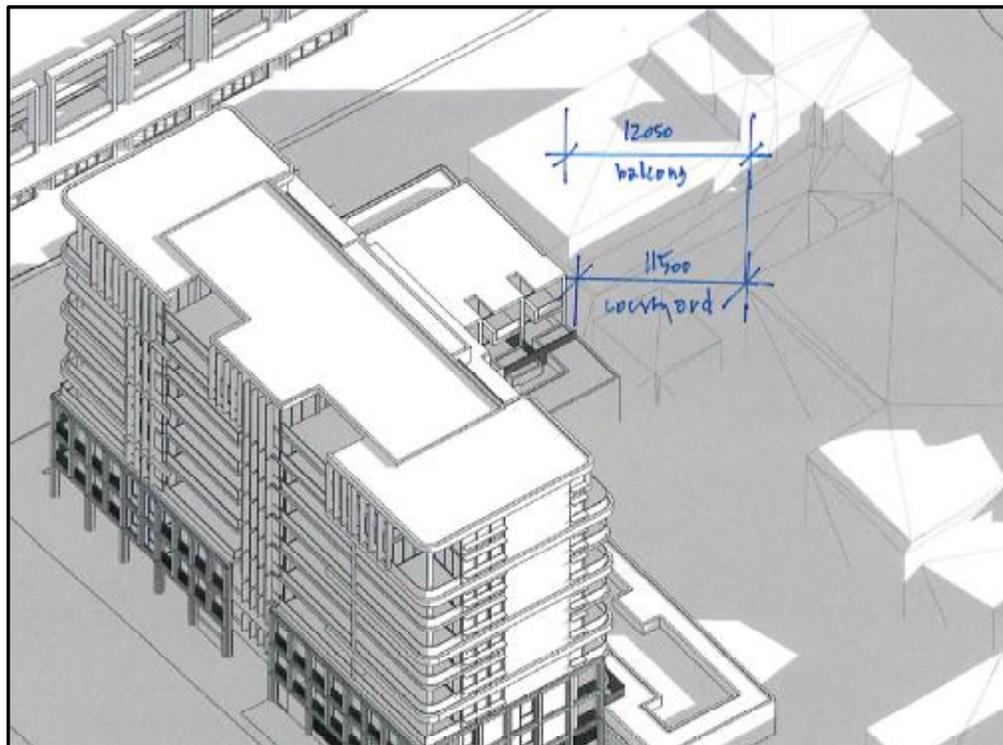


Figure 11: Level 1 and 2 Building Separation to 121-123 Corrimal St (*Source: ADM Architects)

4.0 Assessment of Proposed Variation

4.1 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Yes, compliance with the development standard is unreasonable in the circumstances.

In *Wehbe v Pittwater Council* [2007] NSWLEC827 (*Wehbe*), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While *Wehbe* related to objections pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 because subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

The five (5) ways outlined in *Wehbe* include:

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)
2. The underlying objective of purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way)
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under Clause 4.6, the consent authority (in that case, the

Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in Clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in Clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the objectives of the standard are achieved irrespective of the non-compliance with the building separation controls, and accordingly justifies the variation to the building separation control pursuant to the First Way outlined in Wehbe, as follows.

Objective of the Development Standard:

Under WLEP 2009, Clause 8.6 has the following objectives in relation to the building separation development standard:

“to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.”

Visual Appearance

The proposal incorporates attractive and well-considered architectural design, materials and details which reflect the proposed high-quality residential development inclusive of ground floor commercial use. The visual appearance of this proposed well designed apartment development responds to the existing and future local context, particularly in desirable elements and repetitions of the streetscape, including consideration of the adjoining heritage listed Comelli Bros. Building and the newer approved “The Crown” and “Oxford” developments to the south. In fact, the development has not only considered these developments, but also used them as a reference point for levels especially in relation to street frontage heights to ensure that the streetscape is seamless and presents a united public domain.

The building facade to Crown Street emphasises and accentuate parts of the elevation through the use of a similar language to achieve a cohesive building outcome and understand the theory and principles behind the design. Changes in colour and façade materials help to articulate the podium and addresses street frontage with appropriate proportions.

The theory and principles to the aesthetics of the building design have arrived from a multiple of stimulants and ideas culminating in a focused and narrowed theory gathered from the development

of the building and the surrounding context.

Developing the constraints and opportunities of the site has allowed the building to move and transform from the active to a sense of the building's simplicity and nature. The language of the building's facades has been carried through responding to the site forces, orientation and constraints posed by the site. The use of materials and colours has also been carried through to help express this language.

The overall envelope is an appropriate design and scale which reflects the site's constraints and permissible yield in terms of GFA and building height enabled by WLEP 2009 (which is compliant). The breakdown of the podium and tower help to create an aesthetic quality which will sit comfortably in its surrounding scale and context, as well respond to the developments existing and newly constructed.

Consideration has been made to all façades where walls are articulated with texture and pattern to mitigate any blank walls. Pop-out and high level window elements have been used to the western and southern elevations to create visual interest to these edges, particularly when viewed from various angles surrounding.

Selected quality, modern, durable and environmentally sustainable external finishes ensures the proposed development enhances the amenity of the local area. Carefully selected colours sympathetic to the visual composition of neighbouring developments maintains and responds appropriately to the current and desired future character of the precinct. The materials selected such as masonry render and paint in various shades, several of types of glazing, textured feature walls have provided the building with a high quality, low maintenance external façade that contributes positively to the visual presentation of the development.

Privacy

Privacy has been considered specifically in the design response shown in the architectural interface treatment to these corresponding side boundaries to the western elevation (almost as if they were non-habitable type facades). Elevational interface with the rear is more active in a habitable sense, but separation distances are greater and non-compliance with this setback is only minor (and for only a portion of the building in proximity to the rear of 121-123 Corrimal Street building).

The internal layout of the rooms attempt to minimise overlooking with the careful location of window and door openings, whilst the size of external balconies also help maintain such visual separation.

Acoustic privacy for future visitors and neighbouring land uses has also been taken into account, with the proposed development being designed to limit noise intrusion into adjoining properties through the use of appropriate building materials and associated noise control treatments.

Through smart design treatments responding to habitable v non-habitable interfaces, the proposed building separation largely complies with the minimum required separation distances identified within the SEPP 65 Apartment Design Guide, to achieve reasonable levels of external and internal visual privacy. This Apartment Design Guide provides greater detail on how residential development proposals can meet these principles through good design and planning practice, which has reduced permitted building separation criteria up to 9 storeys above ground level compared to WLEP 2009. For the most part the proposed development is consistent with much of the ADG criteria, when considering non-habitable faced interface treatments proposed to ensure appropriate levels of all round privacy are achieved.

Solar access

The layout and building design are a direct response to the site's orientation. The apartments aspects being used for primary living spaces are orientated east and west where possible to maximise the main solar collectors during morning and afternoon and main outlook for the development. The terrace units in question are oriented to both the north and south.

The layouts demonstrate grouping of the services and circulation space and living areas throughout, encompassing a northern edge that is treated architecturally with high-level and pop-out windows of smaller proportion to gain advantage of the solar access still (but at the same time limit privacy interface issues).

A SEPP 65 Compliance table has been provided by ADM, and is attached to the DA submission package for Council's consideration. In conclusion, this assessment provides the below summarised results for direct sunlight to the residential apartments for June 21, between the hours of 9.00 am and 3.00 pm:-

- 73.00 % (of 70% required) of apartments will achieve 2 hours solar access across the assessment window.
- 0.00 % (0 of 40) of apartments will receive no solar access across the assessment window.

The SEPP 65 assessment and architectural plans also demonstrate that at least 50% of the podium

level COS area will receive the required solar access. Thus, adequate area of COS is provided to enhance residential amenity and provide good opportunities for landscaping.

On this basis, the proposed development has been assessed against each objective contained in Clause 8.6 of WLEP 2009. Thus, deeming strict compliance with these building separation values is unwarranted in the circumstances of this particular case. The privacy of the reduced building separation to the rear of the building at 121-123 Corrimal Street will not compromise this property's ability to redevelop the land (if considered in future).

Development Standard Abandoned:

In relation to the 'Fourth Way', there is a contention that the development standard may have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way)" it is noted that the following approvals have proposed the same variation and have been approved thereby abandoning the development standard:

DA-2016/969: 48 Bank Street WOLLONGONG

Demolition of existing structures and construction of shop top housing comprising ground floor commercial and six residential levels with basement parking

DA-2017/1462: 47 Burelli Street WOLLONGONG

Demolition of all structures, and the construction of a seven (7) storey office building for IMB bank with two basement car parking levels for 89 car parking spaces

DA-2017/493: Langs Building 95-109 Crown Street WOLLONGONG

Commercial - demolition of existing building and construction of new commercial premises comprising of offices and retail tenancies

DA-2017/730: 131-135 Keira Street WOLLONGONG

Demolition of existing buildings and ancillary structures and the construction of a mixed use development above basement parking

DA-2018/1638

71-77 Kembla Street WOLLONGONG

Mixed use development - fourteen (14) storey building comprising of one hundred and two

(102) residential units and eight (8) commercial tenancies over two (2) levels of basement parking

DA-2018/973: 28 Young Street WOLLONGONG

Residential - demolition of existing structures and construction of a 15 storey mixed use development comprising seven (7) commercial tenancies, 64 residential apartments and car parking for 90 vehicles

DA-2019/1123: 35 Atchison Street WOLLONGONG

Demolition of existing structures and construction of a 14 storey mixed use development comprising 50 residential units, one (1) ground floor commercial tenancy and two levels of basement parking

DA-2019/1122: 20-26 Young Street WOLLONGONG

Demolition of existing structures and construction of a 15 storey mixed use development comprising 60 residential units, six (6) commercial tenancies and parking for 89 vehicles

Thus, deeming strict compliance with the minimum building separation is unwarranted (Forth Way) in the circumstances of this particular case.

4.2 Are there sufficient environmental planning grounds to justify contravening the development standard?

“Environmental planning grounds” take their colour from the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (EPA Act), including its objects. The below provide a breakdown of the key environmental planning grounds which support the proposed variation request, including:

The unique circumstances at the site which warrant the provision of reduced setback:

Adopting building separation requirements to dwellings to the northwest would mean a small part of the subject site would be excluded from any built form. Precedence regarding this particular planning ground has recently been set by the approved developments noted above which sought to vary the same control and was subsequently approved.

Therefore logically, restricting a built form envelope by this amount is completely

impractical for a B4 zoned mixed use site at this location and, therefore, totally unreasonable, given the precedence to consider in this instance.

The proposed building form does not result in any significant adverse impacts and achieves a good urban development outcome for the site:

The building intrusions into the rear setbacks are a direct design response with the intent to allow the site to respond to the demand for terrace housing in the area, whilst supporting Wollongong Councils objectives for built form within the B4 zoned Mixed use area.

The proposed bulk and scale of this building is considered appropriate for this location (continuation of street wall), and will not detrimentally affect the visual appearance of the area (in fact it will substantially improve an aged part of the City, which is undergoing change with other similar scale redevelopments occurring nearby). The overall height and form of the development is consistent with the expected future desired character strategies for the area.

The proposal incorporates attractive and well-considered architectural design, materials and details which reflect the proposed high-quality residential development inclusive of ground floor commercial use. The proposal involves well-articulated façades with the incorporation of a single tower building envelope featuring defined building lines to minimise bulk (and avoid a 'wedding cake' look). The proposal will deliver good internal amenity for prospective residents and commercial occupants.

Again, the adjoining site is still able to achieve their maximum permitted FSR building forms and at the same time still achieve reasonable building separation.

The maintenance of design excellence through the proposed alternate strategy, which has been designed to be a core element of the delivery of the integrated station development outcome:

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

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

- (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 urban design has been developed in accordance with the relevant design excellence provisions of the WLEP 2009, as well as other strategic and statutory considerations relevant to the proposed shop top housing development. ‘Design Excellence’ has been the cornerstone of the design process for the design team, and has been achieved through a rigorous design development process in collaboration with a team of specialist consultants.

The architectural design, materials and detailing are of a high standard that is appropriate to the building type and location. The external appearance and form of the development will improve the quality and amenity of the public domain in the immediate vicinity of the site.

The proposal will not unreasonably impact on view corridors given it is below the maximum height limit of 32m, and provides for consistent building lines throughout the levels. The land is suitable for the proposed mixed use development and the allocated mix of commercial/residential floor space, given the location of the site on the edge of the City Centre.

The proposal is and will be compatible with future developments in the immediate vicinity of the site, including consideration of the approved DA to the south in relation to built form and materials and finishes, and therefore will enhance the streetscape (which currently contains several older style buildings that are in need of refurbishment or repair, including those situated on the subject site that will be demolished as part of the DA).

The location of the tower and the proposed bulk, massing and modulation of the building is acceptable and does not result in any unreasonable loss of amenity to any of the adjoining properties. The proposed street frontage heights are considered appropriate having regard to the surrounding context and scale of development.

The proposal will have no significant adverse environmental impacts in terms of sustainability, overshadowing, wind and/or reflectivity. Relevant details have been provided in this regard to enable a full assessment (i.e. shadow diagrams, wind report, BASIX certificates etc).

Access to the site has been carefully considered in a variety of forms (i.e. for pedestrians, motorists and cyclists alike), with suitable provisions to allow for service access and circulation. The proposed development will have a positive impact on the public domain and interface of Crown Street and Queens Parade.

This will significantly improve the amenity and character of the blocks/precinct surrounding the location. It will also allow for natural surveillance of the area with regards to the principles of Crime Prevention Through Environmental Design (CPTED).

The delivery of a development outcome which does not result in any adverse environmental impacts

Environmentally sustainable measures incorporated in the development include:

- Building orientates to maximise solar gain;
- Design solution provides effective benefices to cross flow ventilation;
- Maximised planting within the communal open space;
- Ethically source long lifecycle products and materials;
- Dual flush toilets;
- Rainwater to be used for garden irrigation;

- Taps fitted with water efficient fittings;
- Insulation and sisalation under roof;
- Proposed visitor and residential bicycle parking in compliance with Wollongong Council's Development Control Plan.

No additional overshadowing of private property will be created as a result of this building separation variation. Additionally, the site is physically separated from the southern properties by the Crown Street road carriageway.

The reduced building separation is deemed reasonable and acceptable due to the reduced impacts to privacy and overlooking, created specifically by responsive architectural interface treatment to these boundaries.

The development has been specifically designed to provide a suitable environment for all future inhabitants of the dwellings, whilst respecting the considerations of adjoining land uses. The internal layout of the rooms attempt to minimise overlooking with the careful location of window and door openings, whilst the size of external balconies also help maintain such visual separation.

Acoustic privacy for future visitors and neighbouring land uses has also been taken into account, with the proposed development being designed to limit noise intrusion into adjoining properties through the use of appropriate building materials and associated noise control treatments.

Overall, it is evident from the above commentary provided that there are sufficient planning grounds to justify contravening the building separation development standards identified. To this end, strict compliance with the numerical development standards are both unwarranted and unnecessary in this instance.

4.3 Does contravening the development standard raise any matters of significance for the State or regional environmental planning?

No, contravening the development standard in this case does not raise any matters of State or Regional planning significance.

4.4 Is the objection well founded?

Yes, for the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance. Granting an exception to the development standard can therefore be supported in the circumstances of the case.

The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in *Section 1.3* of the *EPAA 1979*.

5.0 Conclusion

The proposed variation is based on the reasons contained within this request for an exception to the stated *Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use* requirement, being a development standard contained within the *WLEP 2009*. The proposal will not result in any adverse impacts with regards to the amenity of the adjoining properties.

In conclusion, the objection is considered to be well founded and compliance with the standard is unreasonable in the circumstances of the case.

Yours faithfully,
MARTIN MORRIS & JONES PTY LTD



LUKE ROLLINSON BUrbRegPlan DipArchTech MPIA
DIRECTOR – TOWN PLANNER

ATTACHMENT 7 – Apartment Design Guide Assessment

Key SEPP 65 standards			
	Required	Proposed	Compliance
3D Communal and public open space	Communal open space (COS) has a minimum area equal to 25% of the site. Minimum of 50% direct sunlight to the principal usable part of the COS for a min of 2 hours between 9am- 3pm mid winter	Required: 25% x 1936 m ² = 484m ² 484m ² of communal open space is consolidated on residential podium with northern aspect and comprises soft landscaping, decking, seating and hard stand areas	Yes
3E Deep soil zones	Less than 650m ² - N/A 650m ² - 1,500m ² - 3m Greater than 1,500m ² - 6m Deep soil zone (7% of site area)	The ground level comprises commercial use which occupy the majority of the site. Retention of street tree planting is provided for and an addition street tree is proposed.	Satisfactory
3F Visual privacy (separation distances from buildings to the side and rear boundaries)	Up to 12m (4 storeys) - 6m (habitable rooms & balconies) 3m (non – habitable rooms) Up to 25m (5-8 storeys) – 9m (habitable rooms & balconies) 4.5m (non – habitable rooms)	The proposed building does not adjoin any residential properties. Given the heritage building to the west and the shape of the northern property and its strata title ownership pattern of multiple commercial tenancies fronting Corrimal Street, it unlikely that there will be any development immediately adjoining the site.	Satisfactory (refer to Clause 4.6 Variation to WLEP 2009 building separation requirements)
3J Bicycle and car parking (Nominated regional centres; Wollongong, Warrawong, Dapto)	<i>RMS Guidelines –</i> 0.6 spaces per 1 bed unit 0.9 spaces per 2 bed unit 1.4 spaces per 3 bed unit 1 space per 5 units (visitors) <i>Chapter E-3 of WDCP 2009</i> per 70-110m ² unit = 20 1 per >110m ² unit = 7.5 0.2spaces per unit visitor = 6 spaces	$(0.6 \times 6) + (0.9 \times 10) + (1.4 \times 24) + (40/5)$ $= 3.6 + 9 + 33.6 + 8 = 54.2$ spaces Required 6 + 10 + 24 + 8 = 48 = 7 Commercial space 61 spaces Provided:	Yes

		62 spaces	
4A Solar and daylight access	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	29 (73%) of apartments receive min 2 hours of sunlight between 9am and 3pm mid winter.	Yes
4B Natural ventilation	60% of units to be naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m.	24 apartments (60%) achieve natural cross ventilation.	Yes
4C Ceiling heights	Habitable rooms 2.7m Non-habitable 2.4m	3.05m floor to floor provides for 2.7m ceiling heights	Yes
4D Apartment size and layout	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 90m ²	1 bed 58m ² 2 bed 83m ² 3 bed 113m ²	Yes
4E Private open space and balconies	Studio apartments 4m ² - depth 1 bedroom apartments 8m ² min depth 2m 2 bedroom apartments 10m ² min depth 2m 3+ bedroom apartments 12m ² min depth 2.4m	Studio – N/A 1 bed 27m ² min 2m 2 bed 19m ² min 2m 3 bed 24m ² min 2.4m	Yes
4F common circulation spaces	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.	Appropriate and efficient circulation provided with a max of 8 units off a circulation core on any level.	Yes
4G Storage	Studio apartments 4m ³ 1 bedroom apartments 6m ³ 2 bedroom apartments 8m ³ 3+ bedroom apartments 10m ³	Storage Required: 1 bed 1 x 6 = 6m ³ 2 bed 10 x 8 = 80m ³ 3 bed 24 x 10 = 240m ³ <u>Total required: 326m³</u>	Yes
Part 4 – Designing the building - Configuration			
			Compliance

<p>4K Apartment mix</p> <p><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>Objective 4K-2</u> <i>The apartment mix is distributed to suitable locations within the building</i></p>	<p>4 apartment types are proposed ranging from 58m² to 170m² and configured as 1, 2 and 3 bedrooms</p> <p>The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups - Flexible apartment configurations are provided to support diverse household types and stages of life</p>	<p>Yes</p>
<p>4L Ground floor apartments</p> <p><u>Objective 4L-1</u> <i>Street frontage activity is maximised where ground floor apartments are located</i></p>	<p>Ground floor is occupied by commercial tenancies as provided for by the mixed use zone.</p>	<p>N/A</p>
<p>4M Facades</p> <p><u>Objective 4M-1</u> <i>Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - To ensure that building elements are integrated into the overall building form and façade design - The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building. - Building services should be integrated within the overall facade - Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. - To ensure that new developments have facades which define and enhance the 	<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 which has been addressed by in amended plans.</p>	<p>Yes</p>

<p>public domain and desired street character.</p> <p><u>Objective 4M-2</u> <i>Building functions are expressed by the facade</i></p> <p>Design guidance - Building entries should be clearly defined</p>		
<p>4N Roof design</p> <p><u>Objective 4N-1</u> <i>Roof treatments are integrated into the building design and positively respond to other street</i></p> <p>Design guidance - Roof design should use materials and a pitched form complementary to the building and adjacent buildings.</p> <p><u>Objective 4N-2</u> <i>Opportunities to use roof space for residential accommodation and open space are maximised</i></p> <p>Design guidance - Habitable roof space should be provided with good levels of amenity. - Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</p> <p><u>Objective 4N-3</u> <i>Roof design incorporates sustainability features</i></p> <p>Design guidance - Roof design maximises solar access to apartments during winter and provides shade during summer</p>	<p>The roof design is integrated into the overall form and massing of the building. The roof element provides shading to the upper level penthouse apartments. Some concerns were raised by the Design Review Panel in relation to the bulk of the roof element. This has been addressed by the applicant by way of amended plans and these changes are considered to provide an appropriate response to these concerns.</p> <p>A communal space is provided at podium level rather than on the roof.</p>	<p>Yes</p>
<p>4O Landscape design</p> <p><u>Objective 4O-1</u> <i>Landscape design is viable and sustainable</i></p> <p>Design guidance - Landscape design should be environmentally sustainable and can</p>	<p>Landscape design is satisfactory. Satisfies relevant provisions and is</p>	<p>Yes</p>

<p>enhance environmental performance - Ongoing maintenance plans should be prepared</p> <p><u>Objective 4O-2</u> <i>Landscape design contributes to the streetscape and amenity</i> Design guidance - Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> • changes of levels • views • significant landscape features 	<p>satisfactory to Council's landscape Section</p>	
<p>4P Planting on Structures <u>Objective 4P-1</u> <i>Appropriate soil profiles are provided</i> Design guidance - Structures are reinforced for additional saturated soil weight - Minimum soil standards for plant sizes should be provided in accordance with Table 5</p> <p><u>Objective 4P-2</u> Minimal planting on structure proposed; most landscaping will occur in the ground</p> <p><i>Plant growth is optimised with appropriate selection and maintenance</i> Design guidance - Plants are suited to site conditions</p> <p><u>Objective 4P-3</u> <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i> Design guidance - Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes 	<p>The landscaping of the podium level and the street frontages has been assessed and is considered acceptable by Council's landscape officer in relation to Chapter E3 – Landscaping of WLDCP 2009.</p>	<p>Yes</p>

<p>4Q Universal design</p> <p><u>Objective 4Q-1</u> <i>Universal design features are included in apartment design to promote flexible housing for all community members</i></p> <p>Design guidance - A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures</p> <p><u>Objective 4Q-2</u> <i>A variety of apartments with adaptable designs are provided</i></p> <p>Design guidance - Adaptable housing should be provided in accordance with the relevant council policy</p> <p><u>Objective 4Q-3</u> <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p> <p>Design guidance - Apartment design incorporates flexible design solutions</p>	<p>Adaptable units proposed satisfy relevant requirements</p>	<p>Yes</p>
<p>4R Adaptive reuse</p> <p><u>Objective 4R-1</u> <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i></p> <p>Design Guidance - Contemporary infill can create an interesting dialogue between old and new, adding to the character of a place</p> <p><u>Objective 4R-2</u> <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i></p>	<p>Adaptable units proposed within the complex satisfy relevant criteria</p>	<p>Yes</p>
<p>4S Mixed use</p> <p><u>Objective 4S-1</u> <i>Mixed use developments are provided in appropriate locations and provide active</i></p>		<p>Yes</p>

<p><i>street frontages that encourage pedestrian movement</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Mixed use development should be concentrated around public transport and centres - Mixed use developments positively contribute to the public domain. <p><u>Objective 4S-2</u> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Residential circulation areas should be clearly defined. - Landscaped communal open space should be provided at podium or roof levels 	<p>Active street frontages are provided.</p> <p>The development is sited in the mixed use zone on the periphery of the commercial core.</p> <p>The integration of the residential and commercial components is satisfactory.</p> <p>Residential circulation areas are clearly defined.</p>	
<p>4T Awnings and signage</p> <p><u>Objective 4T-1</u> <i>Awnings are well located and complement and integrate with the building design</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Awnings should be located along streets with high pedestrian activity and active frontages <p><u>Objective 4T-2</u> <i>Signage responds to the context and desired streetscape character</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development 	<p>Awning provided on Crown Street frontage and building overhand provides pedestrian cover on the Queens Parade frontage.</p>	<p>N/A</p>
<p>Part 4 – Designing the building - Performance</p> <p>Compliance</p> <p>4U Energy efficiency</p> <p><u>Objective 4U-1</u> <i>Development incorporates passive</i></p>	<p>Compliant solar access, ventilation. Satisfies BASIX requirements</p>	<p>Yes</p>

<p><i>environmental design</i></p> <p>Design guidance - Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</p> <p><u>Objective 4U-2</u> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p>Design Guidance - Provision of consolidated heating and cooling infrastructure should be located in a centralised location</p> <p><u>Objective 4U-3</u> <i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>		
<p>4V Water management and conservation</p> <p><u>Objective 4V-1</u> <i>Potable water use is minimised</i></p> <p><u>Objective 4V-2</u> <i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p>Design guidance - Water sensitive urban design systems are designed by a suitably qualified professional</p> <p><u>Objective 4V-3</u> <i>Flood management systems are integrated into site design</i></p> <p>Design guidance - Detention tanks should be located under paved areas, driveways or in basement car parks</p>	<p>Satisfies BASIX requirements. Flood and stormwater management is acceptable</p>	<p>Yes</p>
<p>4W Waste management</p> <p><u>Objective 4W-1</u> <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p>Design guidance - Common waste and recycling areas</p>	<p>Appropriate arrangements proposed. Compliant acceptable waste storage rooms</p>	<p>Yes</p>

<p>should be screened from view and well ventilated</p> <p><u>Objective 4W-2</u> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas 		
<p>4X Building maintenance</p> <p><u>Objective 4X-1</u> <i>Building design detail provides protection from weathering</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used. <p><u>Objective 4X-2</u> <i>Systems and access enable ease of maintenance</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Window design enables cleaning from the inside of the Building <p><u>Objective 4X-3</u> <i>Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant</i></p>	<p>Acceptable</p>	<p>Yes</p>

ATTACHMENT 8 – WDCP 2009 Compliance Table

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposal is satisfactory with regard to the provisions of this chapter.

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. A detailed assessment table of Chapter D13 is provided in the table below.

The application generally complies with the controls contained within this chapter though there are some variations identified in bold within the compliance tables. These variations are discussed within the table.

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>2.2 Building to street alignment and street setbacks</u></p> <p>Build to 3m from the street alignment. Except in Crown Street (nb. northern side only east of Corrimal Street) and Corrimal Street (between Market and Stewart Streets), where building frontage is to be built to street alignment.</p>	<p>Setbacks provided:</p> <p><u>Crown Street:</u> Nil setback <u>Queens Parade:</u> 2.45m</p>	<p>Yes Acceptable</p>
<p><u>2.3 Street frontage heights in Commercial cote</u></p> <p>The street frontage height of buildings are not to be less than 12m or greater than 24m above mean ground level on the street front</p>	<p>Not applicable to B4 zone</p>	<p>N/A</p>
<p><u>2.4 Building depth and bulk</u></p> <p>Residential and serviced apartments outside the Commercial Core – max floor plate 900m²</p>	<p>Proposed max floor plate =727m²</p>	<p>Yes</p>
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <ul style="list-style-type: none"> • Minimum building setbacks from the side and rear property boundaries:- <ul style="list-style-type: none"> ○ Up to street frontage height (24m): 0m to side & rear (Ground to L2 terrace). ○ All uses (including non-habitable residential) above 		

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>street frontage height: 6m to side & rear</p> <ul style="list-style-type: none"> ○ All uses above 45m: 14m <p>• Note: building separation is governed by Clause 8.6 of WLEP 2009 for which a development departure is sought. See Section 2.1.4 of the report.</p>		
<u>2.6 Mixed used buildings</u>		
<u>2.7 Deep soil zone (DSZ)</u>	Not required for commercial buildings	N/A
<u>2.8 Landscape design</u>	Landscape plan is generally reasonable and is compatible with the civil and stormwater plans. A number of conditions are recommended in relation to landscaping matters.	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	Planting on structures will be provided on non-trafficable roof areas. These are required through conditions of consent that were recommended by Council's Landscape Architect.	Yes
<u>2.10 Sun access planes</u>	The proposed building will not cast shadows on any areas subject to the sun access planes	Yes
<u>2.11 Development on classified roads</u>	N/A	N/A

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.2 Permeability</u>		
Site links, arcades and shared laneways are to be provided as shown in figure 3.1		N/A
<u>3.3 Active street frontages</u>		
<ul style="list-style-type: none"> • Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front. 	The development will provide for improved activation of both street frontages.	Yes

Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage.

Café or restaurant if accompanied by an entry from the street.

Active office uses, such as reception, if visible from the street.

- In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level.
- Active street fronts are required along streets for all buildings in the Commercial Core
- Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.

3.4 Safety and security

- Ensure that the building design allows for casual surveillance of accessways, entries and driveways.
- Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks.
- Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.
- Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance.

Activation of the ground floor on both street frontages and the extent of glazing will reduce opportunities or discourage criminal or antisocial behaviour. Appropriate lighting conditions are recommended to assist natural surveillance of the space. The openings at the northern end of the Queens Parade frontage (carpark entry, waste room and loading dock) are all proposed to be secured as is expected given the nature of the proposed use. The building will be CCTV monitored.

Design responds appropriately to CPTED principles; refer to Chapter E2 assessment below.

Yes

- Provide clear lines of sight and well-lit routes throughout the development.
- Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.
- For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles.
- Provide security access controls where appropriate.
- Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone.

3.5 Awnings

- Continuous street frontage awnings are to be provided to Crown Street. Pedestrian cover is provided via recessed ground floor façade on Queens Parade.

The proposal provides awnings to Crown Street. The Commercial frontage to Queens Parade is setback beyond the upper residential floors which provides weather protection to pedestrians.

Yes

3.6 Vehicular footpath crossings

- 1 vehicle access point only (including the access for service vehicles and parking for commercial uses) will be generally permitted
- Double lane crossing with a maximum width of 5.4 metres may be permitted
- Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade.
- 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.

One vehicle access point is proposed off the Queens Parade frontage. The basement entry, loading dock and waste rooms are located behind the building façade. The vehicular access and loading arrangements are satisfactory to Council's Traffic engineer.

Yes

3.7 Pedestrian overpasses, underpasses and encroachments

N/A

N/A

3.8 Building exteriors

- Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment and street frontage heights; setbacks above street frontage heights; appropriate materials and finishes selection; façade proportions including horizontal or vertical emphasis;
- Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.
- Articulate facades so that they address the street and add visual interest.
- External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.
- Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.
- To assist articulation and visual interest, avoid expanses of any single material.
- Limit opaque or blank walls for ground floor uses to 30% of the street frontage.

Artist impressions, perspective views and details of material/ finishes were lodged with this application.

Yes

The building exteriors have been considered by Council's Heritage architect and the Design Review Panel and are considered to be of an appropriate quality.

The lift overruns and services are integrated into the overall building design.

The proposed building is considered to respond well to the streetscape and heritage constraints and generally reflects the existing character of the locality as outlined in the applicable planning controls. The tower represents a continuation of similar but larger scale residential developments in the locality (The Crown and The Oxford) The tower component of the overall development has been appropriately sited at the eastern end of the site with a three storey component on the western end of the Crown Street frontage providing an appropriate transition to the heritage building on the corner of Crown Street and Corrimal Street.

The proposal is satisfactory to the Council's Architect and Heritage Officer and other officers in relevant Council divisions.

A colour & material schedule has been provided. High quality and durable materials and finishes are proposed.

Roof top structures/ plant/ services will be setback from view.

A condition is recommended limiting material reflectivity.

<ul style="list-style-type: none"> ▪ Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass. • Highly reflective finishes and curtain wall glazing are not permitted above ground floor level • A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge. • Minor projections up to 450mm from building walls in accordance with those permitted by the BCA may extend into the public space providing it does not fall within the definition of GFA and there is a public benefit. • The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building. 		
<p><u>3.9 Advertising and signage</u></p>	<p>The proposal does not include any signage. Conditions requiring separate consent for any future signage have been included on the draft consent.</p>	<p>Yes</p>
<p><u>3.10 Views and view corridors</u></p>		
<ul style="list-style-type: none"> • 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>The potential impacts posed by the proposal have been considered and it is unlikely that any view loss will occur.</p>	<p>Yes</p>
<p>4 Access, parking and servicing</p>		
<p><i>Objectives/controls</i></p>	<p><i>Comment</i></p>	<p><i>Compliance</i></p>
<p><u>4.2 Pedestrian access and mobility</u></p>		
<ul style="list-style-type: none"> • Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural 	<p>The main pedestrian entry to the building is provided from Queens Parade, and retail/commercial tenancies directly address both street frontages.</p>	<p>Yes</p>

features that improve clarity of building address and contribute to visitor and occupant amenity.

- The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard and the Disability Discrimination Act 1992.
- The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.
- The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.
- Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain.
- Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1, AS/NZS 2890.1:2004 and the DDA.

Conditions have been recommended in relation to the finish of pedestrian pathways and the like

4.3 Vehicular driveways and manoeuvring areas

- Driveways should be:
 - Provided from lanes and secondary streets rather than the primary street, wherever practical.
 - Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.
 - Located a minimum of 6m from the nearest intersection
 - If adjacent to a residential development setback a minimum

One vehicle access point is proposed to/from Queens Parade, as required by this clause.

Appropriate driveway location being distant from nearby intersections; does not appear to conflict with any services in the road reserve.

Driveway width is acceptable and manoeuvring areas appear to comply with applicable controls.

Council's DCP requires a development of this size to allow access for a 12.5m Large Rigid

Yes

of 1.5m from the relevant side property boundary.

- Vehicle access is to be designed to:

- i) Minimise the impact on the street, site layout and the building façade design; and

- ii) If located off a primary street frontage, integrated into the building design.

- All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn

- Driveway widths must comply with the relevant Australian Standards.

- Car space dimensions must comply with the relevant Australian Standards.

- Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard

- Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.

4.4 On-site parking

- On-site parking must meet the relevant Australian Standard

- Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.

- Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the

Vehicle. The proposal allows provides for this.

The entry and exit, driveway widths, car space dimensions and vehicle ramp grades comply with the relevant standards.

No uncovered carparking spaces are proposed.

All vehicles can turn on site and leave in a forward direction.

The proposal provides for parking on an undercroft level and two basement levels. The number of parking spaces provided accords with the provisions of WDCP 2009 Chapter E3 and the Apartment Design Guide.

Yes

purpose of determining the necessary parking.

- Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.
- On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.
- To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking.

4.5 Site facilities and services

Mail boxes – 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

Communication structures, air conditioners and service vents - locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.

Waste storage and collection

Service docks and loading/unloading areas

- Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.

Provision has been made for on-site servicing and deliveries.

The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development however it is noted that Endeavour Energy do not require a substation to service the building.

Adequate waste storage rooms will be located on ground level behind the commercial tenancies. On-site collection is proposed; there is sufficient manoeuvring area for servicing.

Loading zone and dock proposed; sufficient size and adequate manoeuvring area provided. Dock area is within the building.

Conditions are imposed in relation to the management of waste and bins.

Yes

- Preferably locate service access off rear lanes, side streets or rights of way.
- Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.
- Design circulation and access in accordance with AS2890.1.

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.2 Energy efficiency and conservation</u>	A NABERS Base Building Energy Assessment report was provided with the DA which demonstrates the building will comply with Section J of the BCA 2016, using the deemed to satisfy method and is on track to achieve a 5 star NABERS Base Building Energy Rating.	Yes
<u>5.3 Water conservation</u>	Low water usage fittings to be used.	Yes
<u>5.4 Reflectivity</u>	Limit material reflectivity by consent condition.	Yes with conditions
<u>5.5 Wind mitigation</u>	A wind impact statement required for buildings over 32m in height	N/A
<u>5.6 Waste and recycling</u>	Waste management arrangements are satisfactory	Yes

6 Residential development standards

See ADG Assessment – Attachment 8

7 Planning controls for special areas

The site is not located within a special area.

8 Works in the public domain

Planting of street trees and provision of footpath paving is required in compliance with the requirements of the Public Domain Technical Manual. Conditions of consent are recommended in relation to these matters.

PRECINCT PLAN – WOLLONGONG CITY CENTRE

The proposal is considered to be consistent with the objectives of the B4 Mixed Use zone within the City Centre precinct.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The building has been appropriately designed with regard to disabled persons' access and facilities. The applicant submitted an access report with the DA which addresses the relevant provisions of the BCA and applicable standards including AS 1428.

The proposal has been considered against the requirements of this chapter and found to be generally acceptable. If approved it is recommended the application also be conditioned to comply with the BCA and relevant Australian Standards in regard to access, facilities and car parking.

Disabled persons' access will be provided from Crown Street and Queens Parade frontages.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The development is appropriately designed with regard to CPTED principles and is not expected to give rise to increased opportunities for criminal or antisocial behaviour.

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Under awning lighting proposed. No light spill impacts are expected.	Yes
<u>3.2 Natural surveillance and sightlines</u>	Opportunities for natural surveillance of the footpaths will be available.	Yes
<u>3.3 Signage</u>	Acceptable	Yes
<u>3.4 Building design</u>	The design is considered to adequately respond to CPTED principles. There are minimal concealment or entrapment opportunities evident on the plans.	Yes
<u>3.5 Landscaping</u>	Landscaping treatment will not result in any concealment opportunities in any unsecure places.	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

Car parking, access and servicing facilities were resolved as part of the conciliation conference with the traffic experts. Adequate car parking is provided, incorporating mechanical car stackers and on-site loading and waste collection is provided, accessed off Simpson Place.

CHAPTER E6: LANDSCAPING

The proposal provides suitable landscaped areas on the podium.

Council's Landscape Officer has considered the proposal as satisfactory subject to conditions of any consent, including the need for a final landscape plan prior to release of the construction certificate and the developer provision of footpath paving and street trees in accordance with the Wollongong City Centre Public Domain Technical Manual.

CHAPTER E7: WASTE MANAGEMENT

An acceptable Site Waste Minimisation and Management Plan has been provided. Provision has been made for appropriate on-site storage and collection of waste.

CHAPTER E9: HOARDINGS AND CRANES

If the development were to be approved, conditions should be imposed requiring approval for the use of any hoardings or cranes in conjunction with construction of the building.

CHAPTER E11: HERITAGE CONSERVATION

Refer to discussion in relation to Clause 5.10 of WLEP 2009 (Section 2.1.5 of the report). The proposal is considered to have minimal impact on heritage buildings adjacent to and in the vicinity of the site.

CHAPTER E12: GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. The development was considered to be satisfactory subject to consent conditions.

CHAPTER E13: FLOODPLAIN MANAGEMENT

Refer to discussion in relation to Clause 7.3 of WLEP 2009 (Section 2.1.5 of the report).

CHAPTER E14: STORMWATER MANAGEMENT

Council's Stormwater Engineer has assessed the proposed development with regard to Chapter E14 of the DCP and has provided a satisfactory referral. The proposal is satisfactory with conditions.

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The application is satisfactory to Council's Landscape Officer who provided a referral including conditions.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavation to facilitate the construction of basement carparking. Council's Geotechnical Engineer has considered the application and has provided a satisfactory referral subject to conditions.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The proposal is satisfactory with regard to Clause 7 of SEPP 55; refer to Section 2.1.1 of the report in this regard.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

Conditions are proposed in relation to demolition works, waste management, protection of excavations, handling and disposal of any hazardous building materials, appropriate monitoring and handling in relation to archaeology and the like.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

If the development were to be approved, conditions of consent should be imposed to ensure the implementation of appropriate sediment and erosion control measures during works.

Attachment 9 – Recommended Conditions

Approved Plans and Specifications

1. The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2018-45 Drawing A-100-C, A-101-A, A-102-A dated 9 October 2020, A-103-C to A-110-C dated 26 March 2021, A-201-C to A-206-C, A-207-B, A-208-A and A-501-C dated 26 March 2021 and A-101-A and A-102-A dated 9 October 2020 prepared by ADM Architects and Drawing 1915-LD01B and 1915-LD02C dated 10 February 2021 prepared Ochre Landscape Architects and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Geotechnical

- a A detailed geotechnical investigation and report prepared by a geotechnical consultant is required for the design of site preparation earthworks.
- b A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- c 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.
- d Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- e All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- f Hard bedrock where encountered will be difficult to excavate and excavation methods should be selected with the aim to minimise noise and vibration.
- g An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- h All recommendations of the geotechnical consultant in their report commissioned for the development are to be accommodated in the earthworks plan.
- i All earthworks including drainage, retaining wall and footing construction is to be subject to supervision by a geotechnical engineer. Where necessary amendments are to be made to the designs during construction based on any supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- j At the completion of the site preparation earthworks a works-as-executed geotechnical report is required to confirm satisfactory completion of works, to detail any residual geotechnical constraints on development and to make recommendations for development of the prepared site.

3 Stormwater Quality Management

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

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

4 Separate Development Applications for Café and Restaurants

A separate development application must be lodged by tenants or operators of commercial outlets within the building.

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

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 7 **Disability Discrimination Act 1992**
This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 8 **Mailboxes**
The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
- 9 **Separate Consent Required for Advertising Signage**
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 10 **Maintenance of Access to Adjoining Properties**
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.
- 11 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

12 **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.

13 **Basement Waterproofing**

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

14 **Excavation and Retaining Structures adjacent to public roads**

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

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

15 **Ground Anchors**

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

16 **Site Validation Report**

A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Construction Certificate.

The Validation Report shall verify that:

- a the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- b the site is suitable for the proposed development.

The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or

- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

The Validation Report is to be issued by the certified contaminated land consultant direct to Council. No third party submissions will be accepted.

17 Unexpected Finding Protocol

Prior to issue of construction certificate a copy of unexpected finding protocol must be submitted to council. The UFP must be prepared by a suitable qualified and experienced environmental consultant.

18 Construction Environmental Management Plan

- Submit a construction environmental management to Principal Certifier, the plan shall address as minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.
- Submit an excavated soil material disposal plan to Principal Certifier, with the batching, sampling and analysis procedures as per the DECCW (2009) *Waste Classification Guidelines*. The plan shall be prepared by a suitably qualified and experienced consultant.

19 Heritage – Excavation Permit

The applicant must obtain an excavation permit from the Heritage Branch of the Office of Environment and Heritage under Section 140 of the NSW Heritage Act 1977 before any works commence. A copy of this permit and any associated documents should be provided to Council.

20 Present Plans to Sydney Water

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

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

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

21 Section 73 Compliance Certificate

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

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

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

22 Endeavour Energy Requirements

The submission of documentary evidence from Endeavour Energy to the Principal Certifier is required prior to the release of the Construction Certificate confirming that satisfactory

arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development.

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

23 **Telecommunications**

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

24 **External Finishes**

The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

25 **Glass Reflectivity Index**

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

26 **Car parking and Access**

The development shall make provision for the following:

Residential

- 46 residential car parking spaces (including 4 spaces capable of adaption for people with disabilities)
- 8 residential visitor parking spaces
- 3 residential motorcycle parking spaces
- 14 secure (Class B) residential bicycle spaces
- 4 visitor bicycle spaces (Class C)

Commercial

- 7 commercial car parking spaces (including 1 disabled car parking space)
- 1 commercial motorcycle parking space
- 2 secure (Class B) staff bicycle spaces
- 1 commercial visitor bicycle space (Class C)

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

27 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.

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

29 **Designated Loading/Unloading Facility**

- The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 30 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 31 **Security Roller Shutters for Basement Car Parking Areas**
The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifier prior to the release of the Construction Certificate.
- 32 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
- 33 **Structures Adjacent to Driveway**
Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.
- 34 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.
- 35 The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
 - b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
 - c a permeable pavement must be installed under the existing street trees number and described as T1 and T2 on the approved Landscape Concept Plans. The permeable pavement equal to 'Filtapave' in place of the basalt pavement and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.
- 36 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 37 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted

with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.

38 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 Certifier prior to release of the Construction Certificate.

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

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

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

40 Stormwater Connection to Kerb

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

- 41** 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.

42 **Property Addressing Policy Compliance**

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

43 **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.

44 **Street Trees City Centre**

The developer must address the Queen Parade street frontage by installing street tree planting. No street tree is required on Crown Street. The number and species for this development is two (2) *Tristaniopsis laurina* 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

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

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

45 **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

46 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the following:
 - Stormwater Layout Ground, job no Q0200014, drawing no. C010, Revision H, by JN, dated 08/02/2021
 - Stormwater Layout Level one, job no Q0200014, drawing no. C013, Revision A, by JN, dated 08/02/2021
- 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.

47 **Flood Level Requirements**

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

- a Habitable floor levels must be constructed at a minimum of the highest adjacent 100 year flood level plus 300mm freeboard being as follows:
 - Commercial Space 1: 7.4 metres AHD
 - Commercial Space 2: 7.55 metres AHD
 - Commercial Space 3: 7.63 metres AHD
- b Any portion of the building or structure below the highest adjacent 100 year flood level plus 300mm freeboard being as follows:
 - Commercial Space 1: 7.4 metres AHD
 - Commercial Space 2: 7.55 metres AHD
 - Commercial Space 3: 7.63 metres AHD

must be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.

- c The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level plus 300mm freeboard being as follows:
- Commercial Space 1: 7.4 metres AHD
 - Commercial Space 2: 7.55 metres AHD
 - Commercial Space 3: 7.63 metres AHD

48 **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 Certifier 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 The OSD system must be designed to ensure that kerb discharges at each proposed discharge location are less than or equal to 55L/s in accordance with section 9.3.4 of Chapter E14 of the Wollongong DCP 2009.
- 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 10.2.6 and 10.4.4 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-2020/1292;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

49 **Designated Overland Flow Paths**

Details of each overland flow path located on the site shall be provided with the detailed drainage design. Each overland flow path shall be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site stormwater detention facility. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse stormwater impacts upon the subject land and adjoining properties. The proposed overland flow path from the level one

communal open space area must incorporate a 2 stage system under the proposed planter boxes in case of blockage or overload. Full Manning's calculations shall be provided on the capacity of each overland flow path. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

50 Council Footpath Reserve Works – Driveways and Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

51 Crown St and Queens Parade – Detailed Civil Engineering Design – Council Land

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council Land. The details must be submitted to and approved by Councils Development Engineering Manager. The plans and documentation must be submitted online via the following link -

<https://wollongong.nsw.gov.au/development/construction-and-works/works-on-roads-and-footpaths/accordions/frontage-works>.

The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Development Application Ground Floor Plan, Job no. 2018/45, Drawing no. A-103, Revision B, by ADM, dated 03/02/2021 and shall include:

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

- f Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified engineer to the expected traffic loadings and type.

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

52 No Adverse Run-off Impacts on Adjoining Properties

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

53 Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$143,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1283126	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration

Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

54 Heritage Excavation Permit

The developer must obtain an Excavation Permit from the NSW Heritage Office prior to any works commencing on site.

55 Sign – Supervisor Contact Details

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

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

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

56 Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

57 Enclosure of the Site

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

58 Demolition Works

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

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

59 **Demolition Notification to Surrounding Residents**

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

60 **Hazardous Material Survey**

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

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

61 **Asbestos Hazard Management Strategy**

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

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

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

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

63 **Contaminated Roof Dust**

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

64 **Waste Management**

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

65 **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.

66 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.

67 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 Certifier 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.

68 Road Occupancy Licence from the Transport for NSW (TfNSW)

Prior to any works commencing, the applicant shall obtain a road occupancy licence from the TfNSW in conjunction with Council's permit under Section 138 of the Roads Act 1993.

The developer shall apply for a Road Occupancy Licence (ROL) from the TfNSW Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.

69 Works in Road Reserve - Minor Works

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

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

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

70 **Tree Exclusion Zone**

The erection of a suitable fence around all tree dripline areas is required for all trees required to be retained within the site, prior to the commencement of any works, in order to preclude vehicular/pedestrian access impacts on such trees. Alternatively, the developer may implement one of the following options:

- a ensure that a minimum 350 mm layer of mulch is placed and maintained along the access route under the canopy of the tree for the entire period of construction; or
- b provide wooden slats to be secured over the mulch where the gradient or frequency of access prevents maintenance of the 350 mm depth of mulch.

Certification from a suitably qualified arborist stating that this condition has been complied with must be submitted to the Principal Certifier prior to land clearing, excavation, demolition or construction works being carried out.

71 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

72 **Implementation of all the recommendation (Façades Glazing) of acoustic report**

Implement building acoustic treatment as recommended in acoustic report prepared by Harwood Acoustic dated 11 Feb 2020 to comply with the ISEPP internal living noise guidelines.

73 **Heritage - Unanticipated finds of Aboriginal cultural heritage**

If unanticipated Aboriginal objects or human skeletal remains are found during works, all work must stop without causing further harm to the suspected Aboriginal objects. Wollongong City Council must be contacted immediately on 4227 7111. The OEH must also be contacted immediately by calling Environment Line on 131 555. An Aboriginal Heritage Impact Permit (AHIP) under the National Parks & Wildlife Act 1974 may be required if harm to Aboriginal objects cannot be avoided. NSW Police must also be notified if human skeletal remains are found.

74 **Heritage - Excavation Permit**

The developer must ensure that during site preparation works, excavation and demolition an archaeologist is present on site to inspect all works. Should a relic be discovered, all works on the site must cease immediately until an excavation permit is issued by the NSW Heritage Office.

Note: A relic as defined by the NSW Heritage Act, 1977 means: "any deposit, object or material evidence:

- a which relates to the settlement of the area that comprises New South Wales, not being Aboriginal Settlement; and
- b which is more than 50 years old".

75 **Survey Report for Floor Levels**

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

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

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

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

77 **Restricted Hours of Construction Work**

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

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

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

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

78 **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a Does not spill onto the road pavement and
- b is not placed in drainage lines or watercourses and cannot be washed into these areas.

79 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

80 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

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

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

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

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

83 **Provision of Waste Receptacle**

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

84 **BASIX**

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

A relevant BASIX Certificate means:

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

85 **Excess Excavated Material – Disposal**

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

86 **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.

87 **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

88 Flood Compatible Materials – Electrical

All power service (metering) equipment, power outlets, switches etc. shall be located above the highest adjacent 100 year flood level plus 300mm freeboard. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below the highest adjacent 100 year flood level plus 300mm freeboard should be capable of disconnection by a single plug and socket assembly. The highest adjacent 100 year flood level plus 300mm freeboard is as follows:

- Commercial Space 1: 7.4 metres AHD
- Commercial Space 2: 7.55 metres AHD
- Commercial Space 3: 7.63 metres AHD

Prior to the Issue of the Occupation Certificate

89 Completion report for excavation adjacent to a Public Road

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

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

90 Completion of Engineering Works

The completion of all engineering works within Council's road reserve or other Council owned or controlled land in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Occupation Certificate.

91 Completion report for excavation adjacent to a Public Road

Prior to the issuing of the Occupation certificate, a report must be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design that:

- a Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2012/001.
- b Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- c Provides a post construction dilapidation survey

92 Acoustic Compliance Report

Prior issue of occupation certificate ISEPP noise guidelines compliance report must be submitted to council The noise compliance report must be prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC).

93 **Heritage Interpretation Works**

Prior to the release of the occupation certificate, the developer is to complete any works as detailed in the endorsed Heritage Interpretation Plan.

94 **Consolidation of Lots**

The existing lots being Lot 2 in DP 150574 and Lot 100 DP 1006976 shall be consolidated. Evidence of the registration of the Plan of Consolidation shall be provided to the Principal Certifier prior to issue of the final Occupation Certificate.

95 **Drainage**

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

96 **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 Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

97 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier 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 Certifier.

98 **BASIX**

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

Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

99 **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 Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

100 **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the 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.

101 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level plus 300mm freeboard being as follows:

- Commercial Space 1: 7.4 metres AHD
- Commercial Space 2: 7.55 metres AHD
- Commercial Space 3: 7.63 metres AHD

Operational Phases of the Development/Use of the Site

102 **Maintenance of Landscaping**

All landscaping identified in the approved landscape plan, including maintenance requirements, shall be fully implemented and maintained to the satisfaction of Council.

103 **Clothes Drying on Balconies/Terrace Areas Prohibited**

The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

104 **Graffiti Removal**

Any graffiti shall be removed immediately from the exterior of the building or any associated structures.

105 **Restricted Hours of Operation**

The hours of operation for the development shall be restricted to 7.00 am to 6.00 pm Monday to Friday and 8.00 am to 6.00 pm on Saturday. Any alteration to the approved hours of operation will require separate Council approval.

106 **Restricted Delivery Hours**

The delivery of service trucks shall be limited to 6.30 am to 9.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

107 **Storage of Goods and Materials**

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

108 **Loading/Unloading Operations/Activities**

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

109 **Waste Management Plan**

Garbage containers, containers for recyclable materials and compactors must be stored in an external area or in a room specifically for that purpose (AS4674-2004 – Section 2.4).