

Wollongong Local Planning Panel Assessment Report | 11 February 2020

WLPP No.	Item No. 1
DA No.	DA-2019/779
Proposal	Commercial - demolition of existing structures and construction of a seven (7) storey development
Property	80 - 82 Market Street, Wollongong
Applicant	Robert Gizzi – Design Workshop Australia
Responsible Team	Development Assessment and Certification - City Centre Team (BH)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

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 and Schedule 2 Clause (3) of the Local Planning Panels Direction of 1 March 2018. The development involves a development departure to building separation under Clause 8.6 of Wollongong Local Environmental Plan 2009.

Proposal

The proposal is for demolition of all structures on the site and construction of a seven (7) storey commercial building with three and a half levels of basement car parking.

Permissibility

The site is zoned B3 Commercial Core pursuant to WLEP 2009 and the proposed commercial premises is a permissible use in the zone.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received two (2) submissions which are discussed at section 1.4 of the report.

Council's Stormwater, Landscape, Geotechnical, Environment and Traffic Officers have provided satisfactory referrals subject to conditions of consent. Council's Heritage Officer noted the improvements in the design and made further comments regarding the podium height. This is discussed in Part 1.5.

A voluntary Design Review Panel was held prior to lodgement of the application.

Main issues

- Development departure to building separation
- Site is in the vicinity of a heritage item

RECOMMENDATION

It is recommended that the application be approved subject to the conditions contained at Attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

- SEPP No. 55 – Remediation of Land
- Wollongong Local Environmental Plan (WLEP) 2009
- Wollongong Development Control Plan 2009
- Wollongong City Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

The development proposal comprises:

- Consolidation of two (2) existing lots (i.e. Lot 21 DP 609226 and Lot 31 DP 558349);
- Demolition of all existing structures;
- Construction of a new seven (7) storey commercial building, comprising 4439.4 m² of gross floor area (GFA) for use as office premises and a small café at rear (accessed off Keira Lane);
- Four (4) levels of basement parking containing sixty-four (65) cars in total, with additional bicycle (27 spaces) and motor bike parking (three spaces);
- Installation of electricity substation and connection to services and infrastructure; and
- Associated landscaping and stormwater drainage.

Pedestrian access to the proposed new office premises will be from Market Street, being the primary frontage. An internal colonnade is provided along the eastern edge of the building adjacent to Keira Lane, which connects the two entry points at the front and the rear. Pedestrian access to the proposed new café at the rear of the building will be available from the Keira Lane and from Market Street via the internal pedestrian colonnade.

Vehicular access to the basement is provided via an existing driveway off Market Lane, at the rear of the site. The adjoining land to the north is reserved for acquisition for road widening purposes (local road – proposed laneway). A small portion of the land in the north-eastern corner of the site is reserved for future road widening. This information is reflected on both the survey and the architectural drawings provided.

The DA does not involve Strata subdivision and/or signage. A separate development application would be required for any signage that cannot be erected under exempt and complying development provisions.



Figure 1 - Photomontage of proposed development as viewed from Market Street (Note: This does not reflect minor changes made to front elevation to address issues raised by Council’s Heritage officer – refer to elevation plans in Attachment 2)

1.3 BACKGROUND

Application No.	Development	Date of Determination
BC-1955/684	Alterations	3 August 1955
BA-1958/2369	Additions	3 December 1958
BA-1960/2882	Detached Building	9 November 1960
BA-1966/1628	Additions to Surgery	22 August 1966
DA1977/533	Use of Building as Gymnasium	19 December 1977
DA-1977/98	Carpet retailing	26 May 1977
DA-1976/177	Gymnasium and Health Studio	25 October 1976
DA-1976/89	Upholstery Workshop and Showroom	15 April 1974
DA-1990/586	Change of Use to Surf & Ski Shop	24 September 1990
BA-1992/544	Additions & Alterations to Commercial Premises	11 March 1992
DA-2012/163	change of use from office to sex services premises	20 February 2012
DA-2013/1020	Pub - change of use of existing premises to include adaptable container bar	30 August 2013
DA-2013/1020/A	Pub - change of use of existing premises to include adaptable container bar Modification A	28 March 2014

	- daytime trading hours and omission of acoustic wall	
DA-2013/1020/B	Pub - change of use of existing premises to include adaptable container bar Modification B - change trading hours to operate until 10pm	29 January 2015
DE-2013/132	Liquor Licence - Development Consent is required BUT not in place	30 July 2013
DE-2013/170	Liquor Licence - Development Consent is required and is in place	17 September 2013
PL-2013/39	The Installation of an outdoor licensed food and beverage premise (BAR) in car park of 80-82 Market St	7 May 2013
BC-2014/86	modular deck with footings	15 July 2014
DA-2013/39	Outdoor Licenced Food Bar	23 May 2013
DE-2018/80	Commercial Building	16 July 2018 (Completed)
PL-2018/163	8 Storey Commercial Building	3 October 2018 (Completed)

A pre-lodgement meeting was held for the proposal on 11 September 2018.

Design Review Panel

On 26 June 2018 preliminary concept plans for the proposal were considered by Council's Design Review Panel (DRP). Referral to the DRP was voluntary. Three (3) options were presented to the Panel and Option 3 was considered to be the most appropriate design response. Option 3 has been used by the applicant for the basis of the subject DA with design revisions undertaken in response to DRP comments as outlined in Part 1.5 of this report.

Customer service actions

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

Site description

The site is located at 80-82 Market Street WOLLONGONG and the title reference is Lot 21 DP609226 and Lot 31 DP 558349. The site is located on the corner of Market Street and Keira Lane.

The land is regular in shape, with a total area of 1211.6 m². It has a 26.83m frontage to Market Street to the south, and a depth of 45.16m (frontage to Keira Lane).

The site has a fall of approximately 3m from the Market Street frontage to the rear boundary.

The site currently comprises the following development:

- 80 Market Street – a commercial building, which is single storey in height fronting Market Street and two storeys in height at the rear of the site fronting Keira Lane. The premises are occupied by a bicycle shop. Vehicular access is available at the rear of the site, via an existing driveway off Keira Lane.
- 82 Market Street - a single storey brick building, with associated outbuildings/converted shipping containers and timber decking. The premises are occupied by a florist, with a café operating within the rear yard area outdoors. Vehicular access is available via an existing driveway off Market Street, although this is unused due to the operation of the café.

Adjoining development is as follows:

- North: Automotive Workshop fronting Victoria Street
- East: Keira Lane with the Illawarra Hotel on the eastern side of the laneway
- South: Market Street
- West: Catholic Education Office

The locality is characterised by commercial/retail development. An aerial photo and WLEP zoning map form attachment 1.

Property constraints

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

- 3.05m wide drainage easement that runs along the rear boundary for the full width of the site.
- Small portion of site in north-eastern corner reserved for public road to connect to future laneway on adjoining northern site. The future laneway is shown below:



Figure 2: LEP map indicating location of road reservation for future laneway on adjoining northern site.



Figure 3: Subject site viewed from Market Street (heritage building to right on opposite side of Keira Lane)



Figure 4: Rear of subject site as viewed from Keira Lane

1.4 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. Two (2) submissions were received (one from Neighbourhood Forum 5 in support of the proposal and the other, from consultants acting for an adjoining property owner, requests that specific issues be addressed by way of conditions of consent if the application is approved). These are discussed below.

Table 1: Submission requesting specific conditions of consent

Concern	Comment
A Construction Traffic Management Plan (CTMP) is required to be provided to Council to demonstrate how construction vehicles will operate in and around the site with a view to ensure the operation of the local traffic network is maintained during any future construction work should consent be granted;	For this type of development, it is standard procedure for Council to require a Site Management, Pedestrian and Traffic Management Plan to be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.
A Noise and Vibration Impact Assessment (NVIA) prepared by a suitably qualified Acoustic Engineer/Consultant is required to be provided to Council to demonstrate how noise and vibration impacts on surrounding established developments are proposed to be mitigated during construction. This must include a complaint handling procedure	Standard conditions of consent will address this issue. Appropriate complaints procedures exist within existing legislation and the Certifier will be required to ensure the applicant complies with consent conditions during the construction phase of the development.
Prior to the issue of any future Construction Certificate, a dilapidation report must be completed by a suitably qualified engineer on all adjoining properties (including Anglicare's property) to ensure any unforeseen and unintentional damage to assets (through vibration or during	For this type of development, it is a standard procedure for Council to require a dilapidation report to be provided before issue of a Construction Certificate. A post construction dilapidation report will also be required (see Conditions 41 and 80 of the recommended conditions of consent in attachment 6).

Concern	Comment
construction by vehicles etc) is able to be readily identified at the end of the project;	
During works, all recommendations within the approved CTMP and NVIA must be adhered to at all times;	An approval under Section 138 of the Roads Act will be required. As part of the application to obtain this approval the applicant will be required to submit a Vehicle and Pedestrian Traffic Management Plan.
Prior to the issue of any occupation certificate, an independent and suitability qualified engineer must complete an inspection of all properties previously assessed as part of the dilapidation report to ascertain if any repair works to properties are required.	A condition of consent will require submission of a Post construction dilapidation report and of any damage will need to be rectified prior to issue of an Occupation Certificate. This is included in the recommended conditions of consent in attachment 6 (Condition 80).

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Stormwater Engineer

Council's Stormwater Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the consent.

Landscape Architect

Council Landscape officer raised concern regarding the need to retain an existing street tree in Market Street. The tree, a London Plane tree, forms part of an avenue of trees that contribute significantly to the Market Street streetscape. The tree was noted as being retained on the plans however it was apparent that the extent of pruning required to construct the building would significantly impact on the tree and result in it having to be removed. The applicant was requested to reconsider the design with a view to ensuring that the tree could be retained.

Amended plans were submitted on 18 November 2019. The revised plans have adjusted the front façade to accommodate the canopy of the tree and Council's landscape officer has provided a satisfactory referral. Conditions of consent were recommended and are included in the consent.

Traffic Engineer

Council's Traffic Officer has reviewed the application and initially raised concern regarding the area required for servicing. The applicant has addressed these concerns by way of additional information and a satisfactory referral was subsequently provided. Conditions of consent were recommended and are included in the consent.

Environment Officer

Council's Environment Officer has provided a satisfactory referral. Conditions of consent have been recommended and will be included in the consent.

Heritage Officer

The proposal has been assessed at pre-lodgement stage and at development application stage by Council's Heritage Officer in regard to its relationship with the adjacent Illawarra Hotel which is listed as a Heritage Item under Wollongong Local Environmental Plan 2009. Some concerns were raised which were addressed by way of amended plans submitted on 18 November 2019. The amended plans were re-referred for comment and the improvements to the design were noted.

It is noted that some concerns were raised by Council's heritage officer in his second referral relating to the potential to increase the Keira Lane setback of Levels 4 and 5 by 2-4m. This was suggested in relation to improving the relationship between the proposed building and the adjacent heritage item, as outlined below:

Conclusion/Recommendation

Whilst the proposed development has been significantly improved over previous iterations. Concern remains in relation to the street wall height proposed to the Keira Lane elevation. It is recommended that the development controls in relation to street wall height for this elevation should be carefully considered and any non-compliance should be addressed through the introduction of an appropriate setback of levels 4-5 behind a reduced street wall to the height of the Market Street Podium.

However, given that this issue had not been previously raised with the applicant, including in considerations of the proposal at pre-lodgement stage and by the Design Review Panel, it was considered onerous on the applicant to request any further changes. Whilst an increased setback to Keira Lane at the upper levels would assist to some degree in providing separation to the Illawarra Hotel, this separation would only be perceived from limited vantage points within the Market Street streetscape and generally the impacts on the heritage item are considered acceptable.

Geotechnical Engineer

Council's geotechnical engineer has reviewed the application and given a satisfactory referral subject to conditions of consent.

Design Review Panel (DRP)

The proposed development was considered by the Design Review Panel prior to lodgement on a voluntary basis (i.e. no LEP triggers). The DRP commentary forms attachment 4 and the specific recommendations of the Panel and how they have been responded to are outlined below:

Recommendations

Of the three options provided by the applicant, option 3 provides the greatest potential for good quality office space and an appropriately designed street level interface. However, to realise this potential, further consideration must be given to the following issues:

- **Further development of contextual analysis.**

Comment:

A satisfactory contextual analysis was provided.

- **Relocate café to corner of the lane.**

Comment:

The café has been relocated to the north eastern corner of the site adjacent to Keira Lane

- **Consider an increased ground level set back to the laneway**

Comment

The rear ground level setback has been increased from 7m to 8.2m except for the substation room and access to the service corridor on the western side of the building.

- **Relocate the entry foyer to the western side of the building**

Comment

The entry foyer has been reacted to the western side of the building frontage.

- **Allow the ground floor tenancy to directly address Market Street**

Comment

The ground floor tenancy has been provided with direct access to Market Street.

- **Review levels to ensure that entry to the Lobby and street fronting commercial space is direct and barrier free**

Comment

Stairs up to the ground floor tenancy have been removed and this tenancy is now at the same level as the entry foyer, colonnade and Market Street footpath.

- **Consider integrating a colonnade along the lane**

Comment

The Market Street colonnade has been extended to run along the Keira Lane frontage providing access to the rear café.

- **Reconfigure upper level to provide improved terrace space to the north and 4m wide terrace to the south.**

Comment

A terrace area is provided along the eastern façade at Level 5. This is 5.068m wide and is considered appropriate.

- **Develop the expression of the building, as described above in Scale and Built Form**

Comment

The facade expression of the building was revised in the DA submission

- **Detail development of the façade to ensure that each façade responds appropriately to its orientation.**

Comment

The upper levels were reconfigured with increased setbacks provided.

- **Siting and detailed design of the level 3 terrace and roof garden.**

Comment

Level 3 roof garden has been deleted.

- **Note council comments in relation to, materials, façade articulation, and activation of laneway.**

Comment

The colonnade down the eastern side of the building is adjacent to the laneway. Although within the confines of the building and not at the level of the laneway, this is considered to provide an alternative pedestrian access to the rear of the site which is separated from vehicular traffic. The windows along the colonnade give a sense of visual connection to the laneway.

- **Considering the site's great potential and the importance of this precinct in terms of heritage, adjacent building quality and character, the revised proposal must return to the DRP for consideration.**

Comment:

The proposed development does not meet any triggers within WLEP 2009 requiring it to be referred to the Design Review Panel. The proposal has been assessed under the provisions of **Clause 7.18 - Design excellence in Wollongong city centre and at key sites** as outlined in this report and is considered satisfactory.

1.5.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

The application has included a preliminary Site Investigation (PSI) prepared by Terra Insight Consulting and peer reviewed by certified environmental practitioner. The report complies with NSW guidelines for contaminated site investigation.

The report identified three Areas of Environmental Concern (AECs). The AECs are located adjacent to the existing mechanical workshop and the location of two underground storage tanks. The report has recommended that a detailed site assessment report be prepared after the demolition of the building.

Appropriate conditions have been recommended by Council's environment officer to address the provisions of SEPP 55 in relation to potential site contamination from the historical use of the site.

2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B3 Commercial Core.

Clause 2.3 – Zone objectives and land use table

The proposal is considered to meet the objectives of the zone as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*

The development provides seven (7) separate commercial tenancies, with office premises at Ground Level and Levels 1-5, as well as a Café accessed directly from Keira Lane, to serve the needs of the local and wider community.

- *To encourage appropriate employment opportunities in accessible locations.*

The development will provide on-going employment opportunities, in an accessible location within the Wollongong CBD.

- *To maximise public transport patronage and encourage walking and cycling.*

The site is conveniently located in close proximity to public transport (i.e. both bus and train services), which maximises the potential for use of public transport. The development provides facilities for bicycle storage and is situated within the Wollongong City Centre, to encourage walking and cycling.

- *To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.*

The proposed redevelopment of the site will support this objective and contribute to strengthening the role of Wollongong City Centre, as the regional business, retail and cultural centre.

- *To provide for high density residential development within a mixed use development if it:*
 - (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and*
 - (b) contributes to the vitality of the Wollongong city centre.*

Not applicable

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

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

The proposal is categorised as a **Commercial premises** as defined above and is permissible in the zone with development consent. Consent is also sought for use of one of the newly created tenancies as a café. A café falls under the umbrella definition of **Retail premises** and is also a permissible use in the zone.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Not applicable

Clause 4.3 Height of buildings

The proposed building height of 29.1m does not exceed the maximum of 32m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 4.35:1

Site area: 1,211.6m²

GFA: 4,439.4m²

FSR: $4,439.4\text{m}^2 / 1,211.6\text{m}^2 = 3.66:1$

Clause 4.4A Floor space ratio – Wollongong city centre

The site is mapped as having a maximum floor area of 1.5:1 however, Clause 4.4A provides that where a site within the B3 zone has a site area greater than 800m² and less than 2,000m² and a street frontage of at least 20m, if the building is used only for commercial purposes the maximum floor space ratio is (3.5+2.5X):1 where X = (site area - 800)/1200. The resulting maximum floor space ratio is as follows:

$X = (1211.6 - 800) / 1200 = 0.343$ Maximum permitted FSR = $3.5 + 2.5 \times 0.343 = 4.35:1$

The proposed gross floor area (GFA) is 4,439m² which results in a floor space ratio of **3.66:1**.

Clause 4.6 Exceptions to development standards

An exception to the building separation requirements under Clause 8.6 is sought.

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building height. Clause 8.6(2)(b) requires buildings on land within the B3 Commercial Core be erected so that 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.
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted.
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes
4.6 (4) (a) Consent authority is satisfied that:	

<p>the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The applicant's written request seeks to justify that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case based on the following rationale:</p> <ul style="list-style-type: none"> • Objectives Clause 8.6 are satisfied. • The objectives of the B3 Commercial Core zone are satisfied. • There are sufficient planning grounds to vary the building separation in this instance given the design of the building responds to the existing street tree and heritage item to the east. • That compliance with the building separation standard is unnecessary in the circumstances of the case as the objectives of the standard and zone objectives are met and strict compliance with the 12m building separation would result in a poorer design outcome. <p>The applicant's Clause 4.6 Statement forms attachment 5. The written request has adequately addressed the matters required to be addressed under subclause (3).</p>
<p>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>Clause 8.6 Building separation objective:</p> <p><i>(1) The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i></p> <p>The objective of clause 8.6 is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</p> <p>The proposal is not considered to compromise privacy or solar access to the adjoining building. The adjoining building to the west is built to the boundary with no openings on that elevation. The front setback area of the adjoining building is a car park to which overshadowing is not of concern. The proposed building is of a lesser scale and bulk than a building that would otherwise comply with clause 8.6. For instance, the building could be built to a street frontage height of up to 24m with no setback to the boundary. As it is, the proposed building only reaches a street frontage height of approximately 12.8m, with a setback then being provided for at the front and rear for the portion of the building abutting the building located to the west of the site. The lower street frontage height is desirable to better relate to the heritage item on the eastern side of Keira Lane and to retain and protect the street tree on Market Street.</p> <p>The neighbouring building to the west only reaches a height of 4 storeys and as such from level 5 of the proposed building and above, the provisions of clause 8.6 no longer apply.</p> <p>The objectives for development within the B3 Commercial Core zone are:</p> <ul style="list-style-type: none"> • <i>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</i>

	<ul style="list-style-type: none"> • <i>To encourage appropriate employment opportunities in accessible locations.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> • <i>To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.</i> • <i>To provide for high density residential development within a mixed use development if it—</i> <i>(a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i> <i>(b) contributes to the vitality of the Wollongong city centre.</i> <p>The proposed building is for commercial and retail use which is consistent with the above objectives.</p> <p>Given the proposal is consistent with the zone objectives and the objectives of Clause 8.6 despite the development departure, the development is in the public interest.</p>
the concurrence of the Secretary has been obtained.	In accordance with Planning circular PS 18-003 dated 21 February 2018, the Secretary has granted Council (and their established independent hearing and assessment panels) assumed concurrence for applications made with a supporting objection under Clause 4.6.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

(5) *Heritage assessment*

The consent authority may, before granting consent to any development:

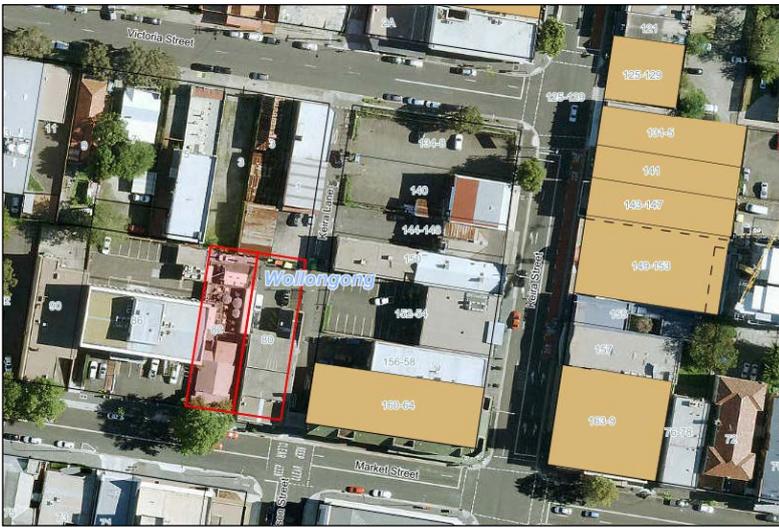
- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

The site is located adjacent to Hotel Illawarra, which is listed in *Schedule 5 of WLEP 2009*, as being of local heritage significance. There are also several other heritage items in the nearby vicinity on Keira Street. Accordingly, a Heritage Impact Statement (HIS) has been submitted with the development application and has been reviewed by Council's Heritage officer (see comments under Section 1.3.1 of this report).

The objectives of this clause are:

- (a) to conserve the environmental heritage of Wollongong,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Notwithstanding that Council’s heritage officer requested an increased setback to Keira Lane for levels 4 and 5 of the building, the overall design of the development is considered to satisfy the objectives of the Clause in relation to conservation of the environmental heritage.



- (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 above issues have been considered and the proposal is considered satisfactory. It is noted that although the development does not meet the triggers for referral to the Design Review Panel, the applicant chose to refer the application to the panel for review. The Panel provided positive comments in relation to the proposal and the minor design changes that were recommended were satisfactorily addressed by the applicant. A copy of the DRP comments forms Attachment 4.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The objectives of this Part and (in so far as it relates to the Wollongong city centre) clause 7.18 are as follows:

- (a) to promote the economic revitalisation of the Wollongong city centre,*
- (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth,*
- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*
- (d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,*
- (e) to facilitate the development of building design excellence appropriate to a regional city,*
- (f) to promote housing choice and housing affordability,*
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*
- (h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.*

The proposed development is considered consistent with the object objectives, particularly Objectives (a), (b), (c), (d), (e), (g) and (h).

Clause 8.4 Minimum building street frontage

8.4 Minimum building street frontage

- (1) The objective of this clause is to ensure that buildings have a minimum width to provide for the efficient development of land and design of buildings.*

- (2) *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.*
- (3) *Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.*

The subject site has a frontage of 26.83m to Market Street and therefore complies with this clause.

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

- (1) *The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*
- (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.

The site is situated on the corner of Market Street and Keira Lane. The adjoining development to the west at 86-88 Market Street (Catholic Education Office) is setback approximately 17m from the street frontage and has car parking within the front setback. This building is built to boundary along the eastern side elevation.

The provisions of Clause 8.6 require an established street frontage height of up to 24m, and a setback of at least 12m from any other building above the street frontage height and less than 45m above ground level.

The proposed development has a street frontage height of 12m fronting Market Street, being the primary frontage. The development will have a nil side boundary setback along the western boundary of the site. Level 3 of the proposed building has a nil setback to the western boundary, which abuts the neighbouring building at 86-88 Market St. At this level, the development does not achieve the required 12m separation distance under subclause (2)(b). In this regard the proposed development does not satisfy clause 8.6(2), sub-clause (b) and a Clause 4.6 variation is sought, as discussed above.

There are no neighbouring buildings above level 3 requiring a 12m separation distance.

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

A detailed assessment of the proposal under WDCP2009 forms Attachment 3. The main issues are discussed below:

CHAPTER A1 – INTRODUCTION

Part 8 - DCP variations

Chapter D13 Wollongong City Centre

Part 2.5 Side and rear setbacks

The development involves variations to the side and rear setbacks as outlined below.

Part 2.5 requires the following setbacks:

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

The proposed building has a 12m street frontage height with a zero side setback to the western boundary up to Level 5 (23.3m), and a 1m western side setback to Level 6 (plant room). Part 2.5 requires a minimum 6m side and rear setback for all uses between the street frontage height and 45m for which the applicant has sought a variation.

The minimum rear setback at Basement 1 and Ground levels is 7.1m, with most the building having an 8.1m rear setback at these levels. At these levels the minimum setback of 6m is achieved. At the levels above, the building is cantilevered with a minimum setback of 4.45m, which does not comply with the minimum rear setback. As the adjoining site to the north is identified as a future laneway, the minor variation to the rear setback of 1.55m is not considered to result in an undesirable built form outcome in relation to future redevelopment of buildings to the north (i.e. adjacent to the rear boundary).

The objectives of Part 2.5 are:

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

The zero western side setback has no adverse impact on the existing adjoining property, being a commercial building also built to the boundary. The impact of the non-compliant side setback on the future redevelopment of the neighbouring western site is considered acceptable noting the following:

- Any future commercial building on the adjoining western lot could be built with a street frontage height of 24m (permitted under the current controls) and comply.

- If the adjoining western site were to be redeveloped to include a residential component, the rear of the site faces north and north facing units could reasonably achieve solar access and ventilation requirements despite the subject building being positioned on the common boundary.
- No privacy impacts are anticipated given the service core is positioned on the western side of the proposed building.

With regard to the rear setbacks, the minor variation is considered acceptable as it will not lead to significant additional overshadowing impacts and will not be readily perceivable following acquisition of the future laneway adjoining the site to the north.

The siting of the proposed building is considered to provide a positive outcome with regard to the public domain, and usable and pleasant streets despite the variations to the side and rear setbacks.

Having regard to the above objectives, the variation to the side and rear setbacks above the street frontage height do not compromise the objectives being achieved and the variations are supported in the circumstances.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$15,655,000 and a levy of 2% is applicable under this plan as the threshold value is \$ 250,000 for development of land in the B3 Zone 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 with regard to demolition.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

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

This is demonstrated through the following:

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

Context and Setting:

The proposal is considered satisfactory in terms of issues such as overshadowing, privacy, bulk scale and setbacks. The development is within the allowable height and FSR for the site.

The development is considered largely in harmony with the surrounding buildings and character of the street. The area is characterised by a mixture of commercial and retail developments.

The scale of the development as viewed from the street is comparable to other developments in the locality, notably the heritage listed Illawarra Hotel to the east of the site.

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

Access, Transport and Traffic:

No adverse traffic impacts likely and access is considered appropriate.

Public Domain:

The proposal is considered satisfactory in terms of its relationship with the public domain (Market Street, Keira Lane and future laneway at the rear of the site.)

Utilities:

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

Heritage:

The subject site is adjacent to a heritage item (Illawarra Hotel). The potential impacts have been considered at pre-DA stage (Design Review Panel and Pre-Lodgement Meeting) and again at DA stage by Council's heritage co-ordinator. The proposal is considered satisfactory in terms of heritage matters.

Other land resources:

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

Water:

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

The proposal is not envisaged to have unreasonable water consumption.

Air and Microclimate:

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

Flora and Fauna:

There is no vegetation removal or landscaping proposed or required.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

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

Safety, Security and Crime Prevention:

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

Social Impact:

The proposal is not expected to create any negative social impacts.

Economic Impact:

The proposal is not expected to create any negative economic impact. It will have a positive impact in terms of generating employment during the construction phase and providing office accommodation for businesses within the city centre.

Site Design and Internal Design:

The application does not result in any departures from development standards or Council's development control plans as outlined above.

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

Construction:

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

Cumulative Impacts:

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

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

Two submissions received (one in support). Issues raised in the other submission can be addressed in conditions of consent.

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

The proposed development achieves the objectives of the B3 Commercial core zone by providing commercial/retail floor space within the city centre. In the vicinity of the site there is a street tree that will be retained and a local heritage item (the Illawarra Hotel) adjoins Keira Lane to the east. The design of the building has been revised during the course of the assessment to reasonably respond to these constraints.

The development involves a development departure to building separation under Clause 8.6 of WLEP 2009 and side/rear setbacks under WDCP2009, as discussed in the body of this report. These variations have been addressed by the applicant. Despite these variations, on balance the proposed development will provide an appropriate land use and provide an active frontage to Keira Lane without adversely impacting on adjoining properties, the street tree or the heritage significance of the Illawarra Hotel.

4 RECOMMENDATION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

It is recommended that the development application be approved subject to the recommended conditions in Attachment 6.

5 ATTACHMENTS

- 1 Aerial photo and WLEP zoning map
- 2 Plans
- 3 Wollongong Development Control Plan 2009 compliance tables
- 4 Design Review Panel minutes
- 5 Applicant's Clause 4.6 Statement
- 6 Recommended conditions

Attachment 1: Aerial photo and zoning map



Figure a: Aerial photograph



Figure b: WLEP 2009 zoning map

PN1591 - COMMERCIAL DEVELOPMENT

80-82 MARKET STREET, WOLLONGONG

JB & SR

SITE ADDRESS

80 - 82 MARKET STREET, WOLLONGONG
LOT 31 D.P 558349 & LOT 21 D.P 609226

SITE AREA

1211.6 sqm TOTAL

AREA CLASSIFICATION

B3 - COMMERCIAL CORE

SUMMARY

GFA TOTAL	4439.4sqm (3.66:1)
CARPARKING PROVIDED	64 COMMERCIAL SPACES 1 CAFE SPACE 3 MOTOR BIKE SPACES
BICYCLE SPACES PROVIDED	27 BICYCLE SPACES

AREA CALCULATIONS

SITE AREA = 1211.6 sqm
LEP FSR = 3.5 + (2.5X) : 1

X= site area (sqm)-800/1200
= 1211.6-800/1200
= 0.343

LEP FSR CALCULATION

= 3.5 + (2.5X) : 1
= 3.5 + (2.5x0.343) : 1
= 3.5 + 0.8575 : 1
= 4.3575 : 1 (5279.547 sqm)

LEVEL	AREA	FSR
BASEMENT 1	29.7 m ²	0.02
GROUND FLOOR	630.6 m ²	0.52
LEVEL 1	853.0 m ²	0.70
LEVEL 2	853.0 m ²	0.70
LEVEL 3	791.8 m ²	0.65
LEVEL 4	791.8 m ²	0.65
LEVEL 5	489.5 m ²	0.40
	4439.4 m ²	3.66

PROPOSED FSR

TOTAL GFA / SITE AREA = FSR
4439.4sqm / 1211.6sqm = 3.66 : 1

DRAWING LIST

SHEET NO.	SHEET NAME	REV.
00	COVERSHEET	RR
01	DCP ANALYSIS	QQ
02	REGIONAL CONTEXT	QQ
03	LOCAL CONTEXT	QQ
04	ANALYSIS - FUTURE LANEWAY	QQ
05	FUTURE LANEWAY ANALYSIS	QQ
06	SITE SURVEY	QQ
07	DEMOLITION PLAN	QQ
08	PRECEDENTS	QQ
09	BASEMENT 4	QQ
10	BASEMENT 3	QQ
11	BASEMENT 2	QQ
12	BASEMENT 1	RR
13	GROUND LEVEL	RR
14	LEVEL 1	RR
15	LEVEL 2	RR
16	TYPICAL LEVEL 3 & 4	RR
17	LEVEL 5	RR
18	ROOF PLAN	RR
19	FSR PLANS	QQ
30	EAST ELEVATION	RR
31	SOUTH ELEVATION	RR
32	WEST ELEVATION	RR
33	NORTH ELEVATION	RR
40	SITE SECTION - KEIRA LANE	QQ
41	SITE SECTION - MARKET STREET	QQ
42	SECTION A-A	RR
43	SECTION B-B	RR
44	SECTION C-C	RR
45	DETAILED SECTION - SECTION D-D	RR
51	3D - PROPOSED CONTEXT PRESPECTIVES	QQ
52	3D PRESPECTIVES	QQ
60	SHADOWS ON 21 JUNE	QQ
61	SHADOWS ON 21 DECEMBER	QQ

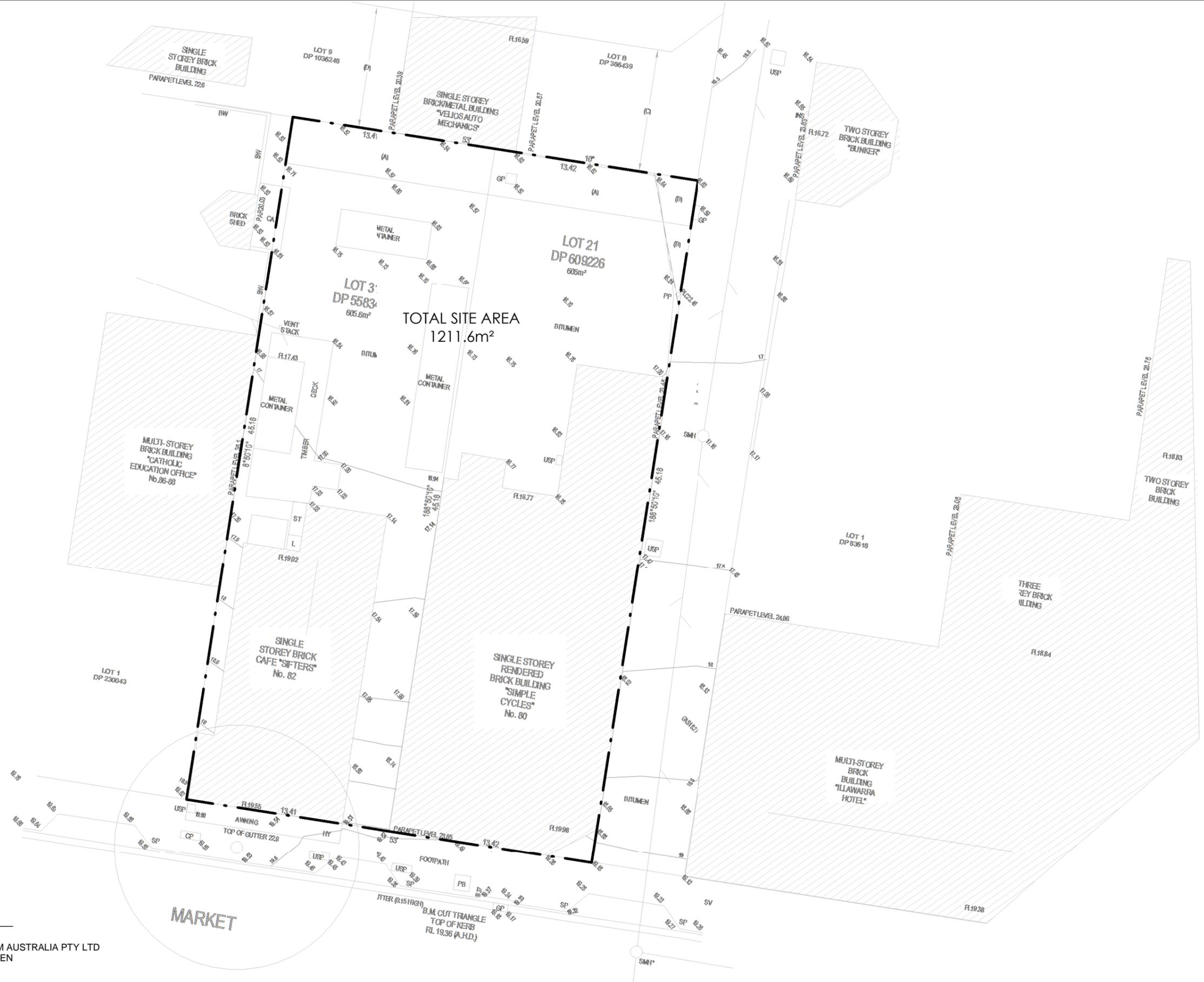
DISCIPLINE	CONSULTANTS	CONTACT	PH.	EMAIL.
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PROJECT CO-ORDINATOR	DESIGN WORKSHOP AUSTRALIA	NATHAN TYERMAN	4227 1661	nathan@designworkshop.com.au
SURVEYOR	LAND TEAM AUSTRALIA PTY LTD	ROBERT VAN DER ZYPEN	4296 7055	wollongong@landteam.com.au
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GEOTECH/CONTAMINATION	TERRA INSIGHT		0458 008 030	admin@terransw.com
PHOTOMONTAGE	IVOLVE STUDIOS	FERNANDO SZCZEPANIAK	9211 1220	fszczepaniak@ivolvestudios.com

DISCLAIMER

Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF. DATE AMENDMENT RR 26.11.2019 AMENDED LEVELS	Legend: RB01 RENDERED BRICKWORK RB02 RENDERED BRICKWORK FB01 FACE BRICKWORK FB02 FACE BRICKWORK BL BLOCKWORK CL01 CLADDING CL02 CLADDING RW RETAINING WALL S STONEMWORK R ROOF DP DOWNPIPES TB TIMBER BATTENS D DOOR GD GARAGE DOOR SLD SLIDING DOOR BFD BI-FOLD DOOR SLW SLIDING WINDOW FW FIXED WINDOW OB OBSCURE WINDOW AW AWNING WINDOW SK SKYLIGHT WH WINDOW HOOD LV LOUVRES RWT RAINWATER TANK P POST T TIMBER FLOORS CT CERAMIC TILES CPT CARPET PC POLISHED CONCRETE SP FEATURE SCREENING	DWA DESIGN WORKSHOP AUSTRALIA	Wollongong 81a Princes Highway, Fairy Meadow Tel: (02) 4227 1661 P.O. Box 3091, Balgownie NSW 2519 Sydney Suite 704, 31 Market Street, Sydney	Email: info@designworkshop.com.au Web: http://www.designworkshop.com.au Nominated Architect: Robert Gizzi (Reg. 8286)	CLIENT: JB + SR COMMERCIAL ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW DRAWING NAME: COVERSHEET	DATE: FEB 2017 DRAWN: NT SCALE: 1 : 100 QA: RG	PROJECT No. 1591 DWG No. 00 RR
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DEVELOPMENT APPLICATION



SITE SURVEY

1 : 250

SURVEY PROVIDED BY LAND TEAM AUSTRALIA PTY LTD
DRAWN BY ROBERT VAN DER ZYPEN

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DEVELOPMENT APPLICATION

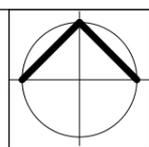
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QQ	04.11.2019	ADDITIONAL INFORMATION

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RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	RWT	RAINWATER TANK
P	POST	T	TIMBER FLOORS
CT	CERAMIC TILES	CPT	CARPET
PC	POLISHED CONCRETE	SP	FEATURE SCREENING

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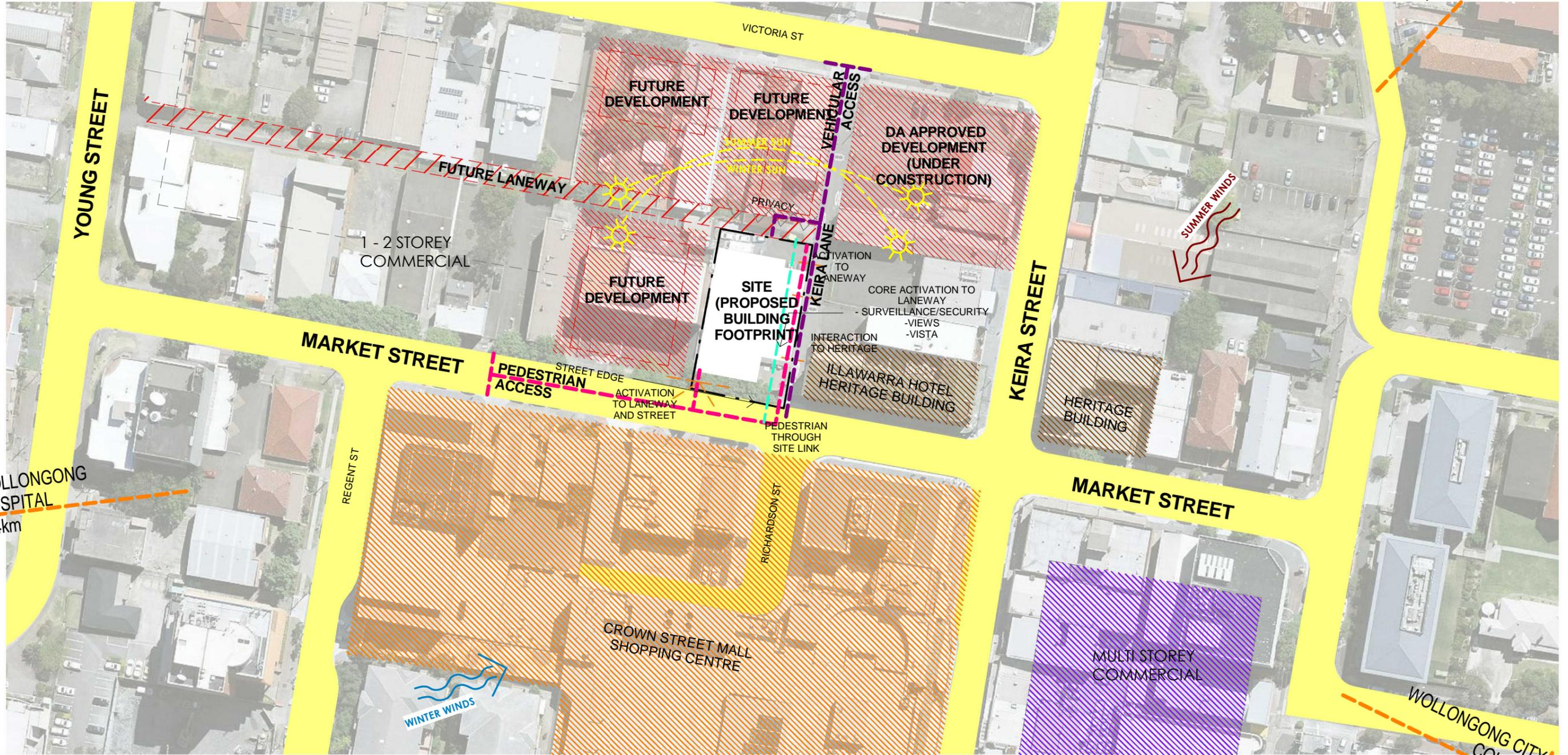
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Web: http://www.designworkshop.com.au
Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	06 QQ
DRAWING NAME:	SITE SURVEY	SCALE:	1 : 250	QA:	RG

WOLLONGONG BEACH
1.6km



WOLLONGONG HOSPITAL
1.4km

WOLLONGONG CITY COUNCIL
1.0km

LOCAL CONTEXT

NTS

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REF.	DATE	AMENDMENT
QQ	04.11.2019	ADDITIONAL INFORMATION

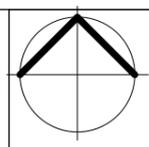
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FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	03 QQ
DRAWING NAME:	LOCAL CONTEXT	SCALE:	NTS	QA:	RG

DEVELOPMENT APPLICATION

EXISTING METAL CONTAINER TO BE DEMOLISHED

EXISTING METAL CONTAINER TO BE DEMOLISHED

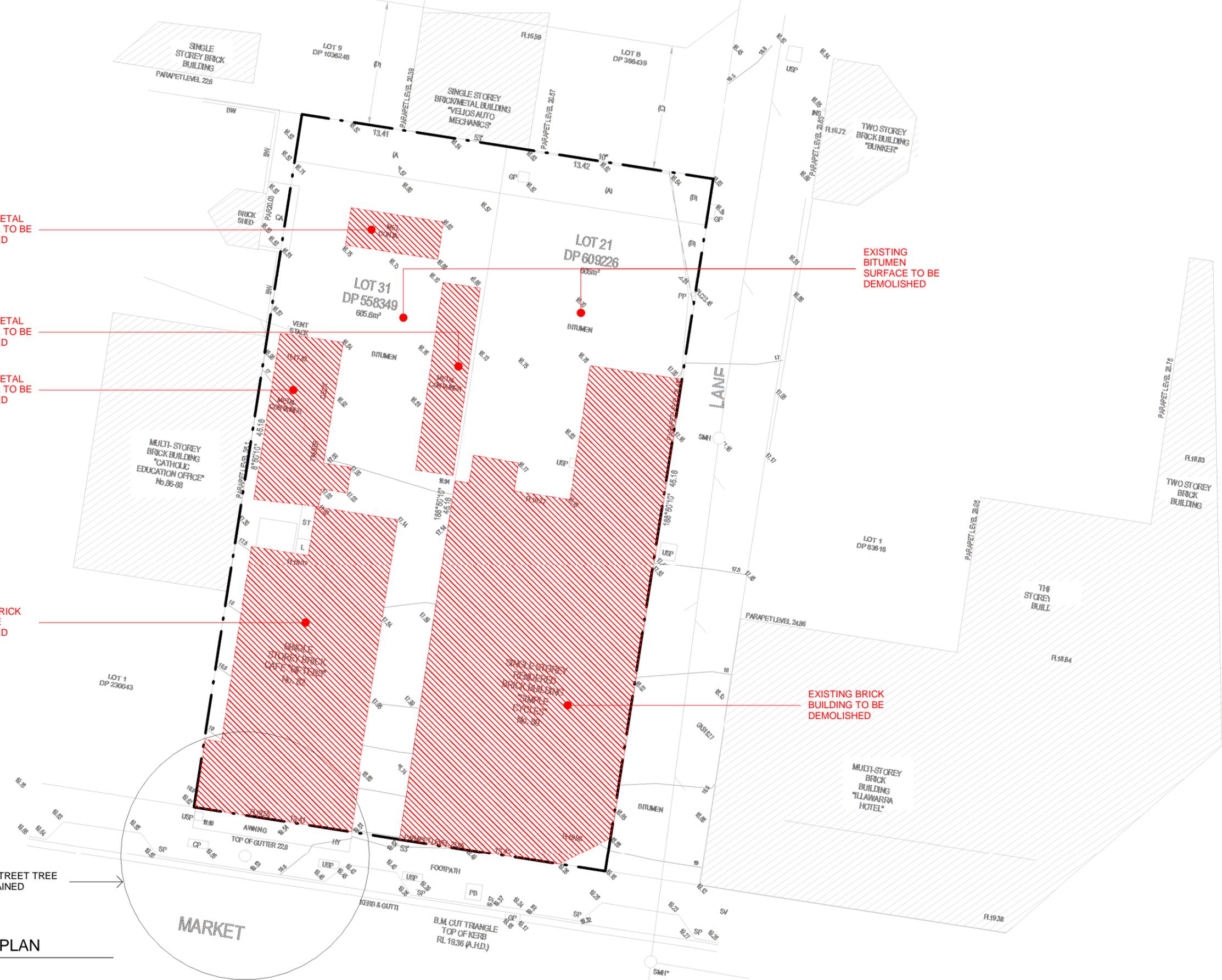
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EXISTING BITUMEN SURFACE TO BE DEMOLISHED

EXISTING BRICK BUILDING TO BE DEMOLISHED

EXISTING STREET TREE TO BE RETAINED



DEMOLITION PLAN

1 : 250

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REF.	DATE	AMENDMENT	ADDITIONAL INFORMATION
QQ	04.11.2019		

DISCLAIMER
 All dimensions are in millimeters. Verify all dimensions on site prior to commencement of any work. Copyright of DWA.

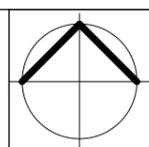
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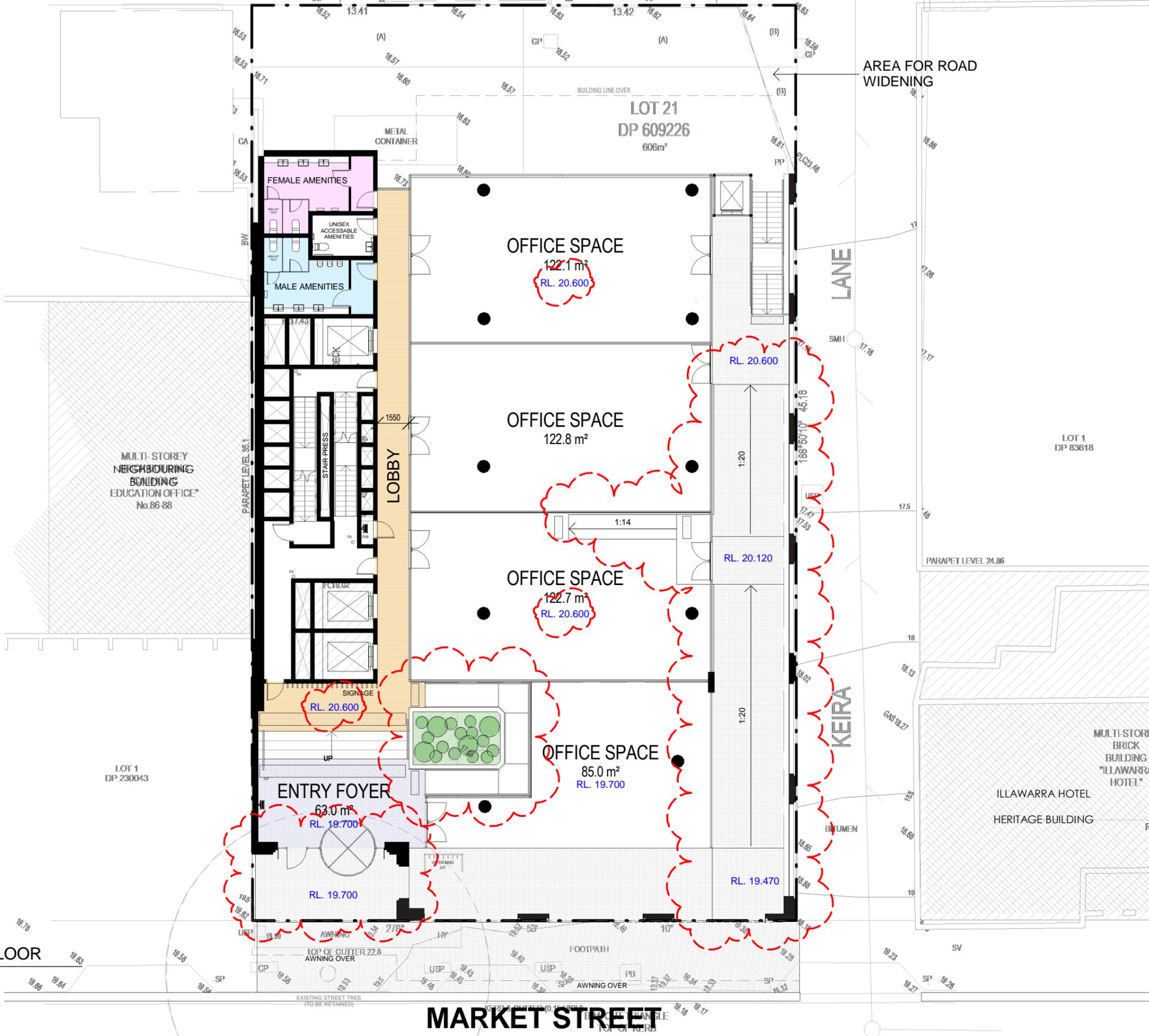
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 Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	07 QQ
DRAWING NAME:	DEMOLITION PLAN	SCALE:	1 : 250	QA:	RG

DEVELOPMENT APPLICATION



GROUND FLOOR

1:200

DISCLAIMER
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REF.	DATE	AMENDMENT
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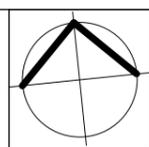
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RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

DWA
 DESIGN WORKSHOP AUSTRALIA

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Sydney
 Suite 704, 31 Market Street, Sydney

Email: info@designworkshop.com.au
 Web: http://www.designworkshop.com.au
 Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: JB + SR COMMERCIAL

ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW

DRAWING NAME: GROUND LEVEL

DATE: FEB 2017

DRAWN: NT

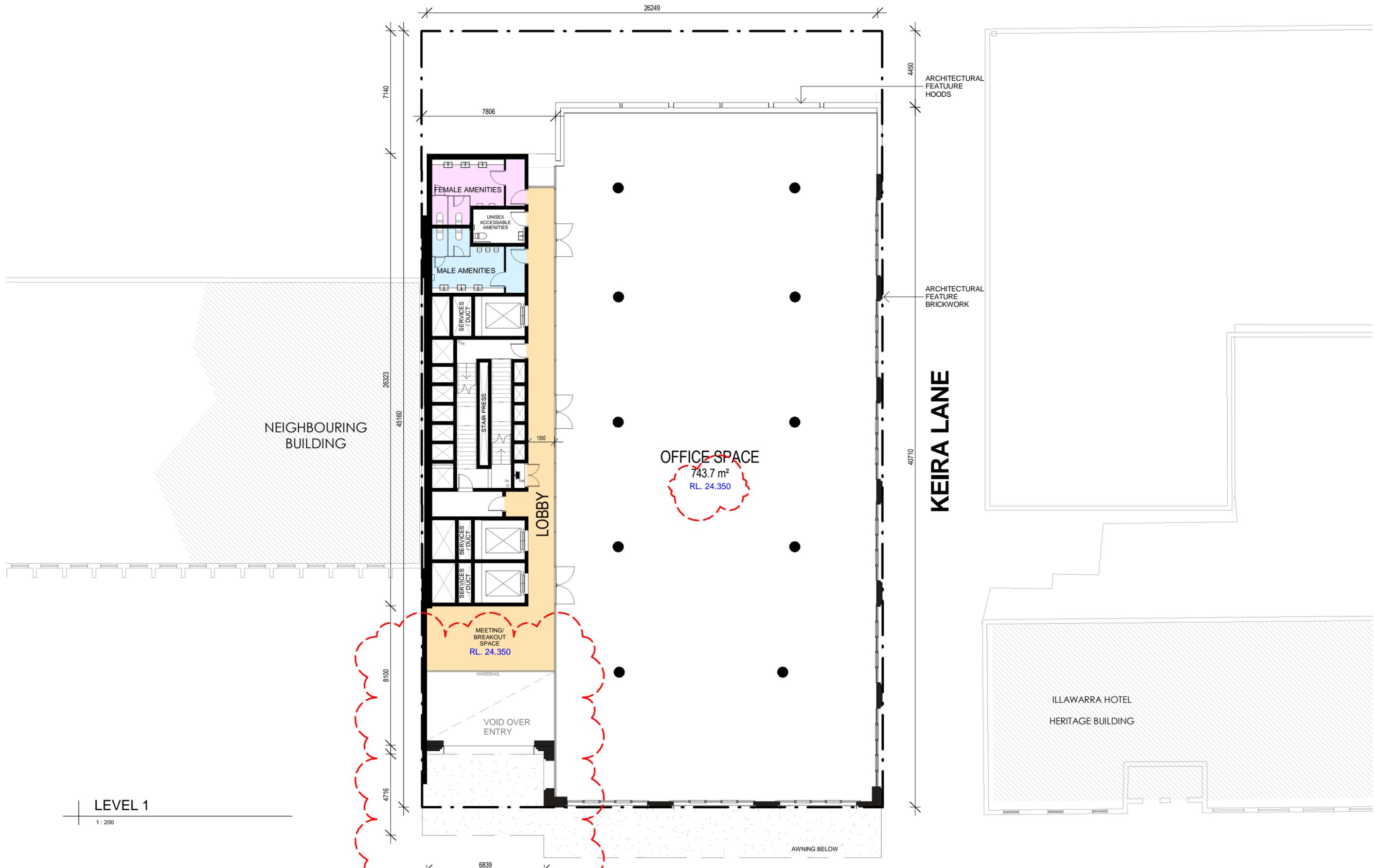
SCALE: 1:200

QA: RG

PROJECT No. 1591

DWG No. 13 RR

DEVELOPMENT APPLICATION



LEVEL 1

1 : 200

DISCLAIMER
 Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

RB01 RENDERED BRICKWORK	S STONEMWORK	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

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 Nominated Architect: Robert Gizzi (Reg. 8286)

DEVELOPMENT APPLICATION

CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	14 RR
DRAWING NAME:	LEVEL 1	SCALE:	1 : 200	QA:	RG



LEVEL 2

1 : 200

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 All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

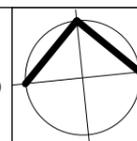
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RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPIPES	OB	OBSCURE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES		
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		

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MARKET STREET

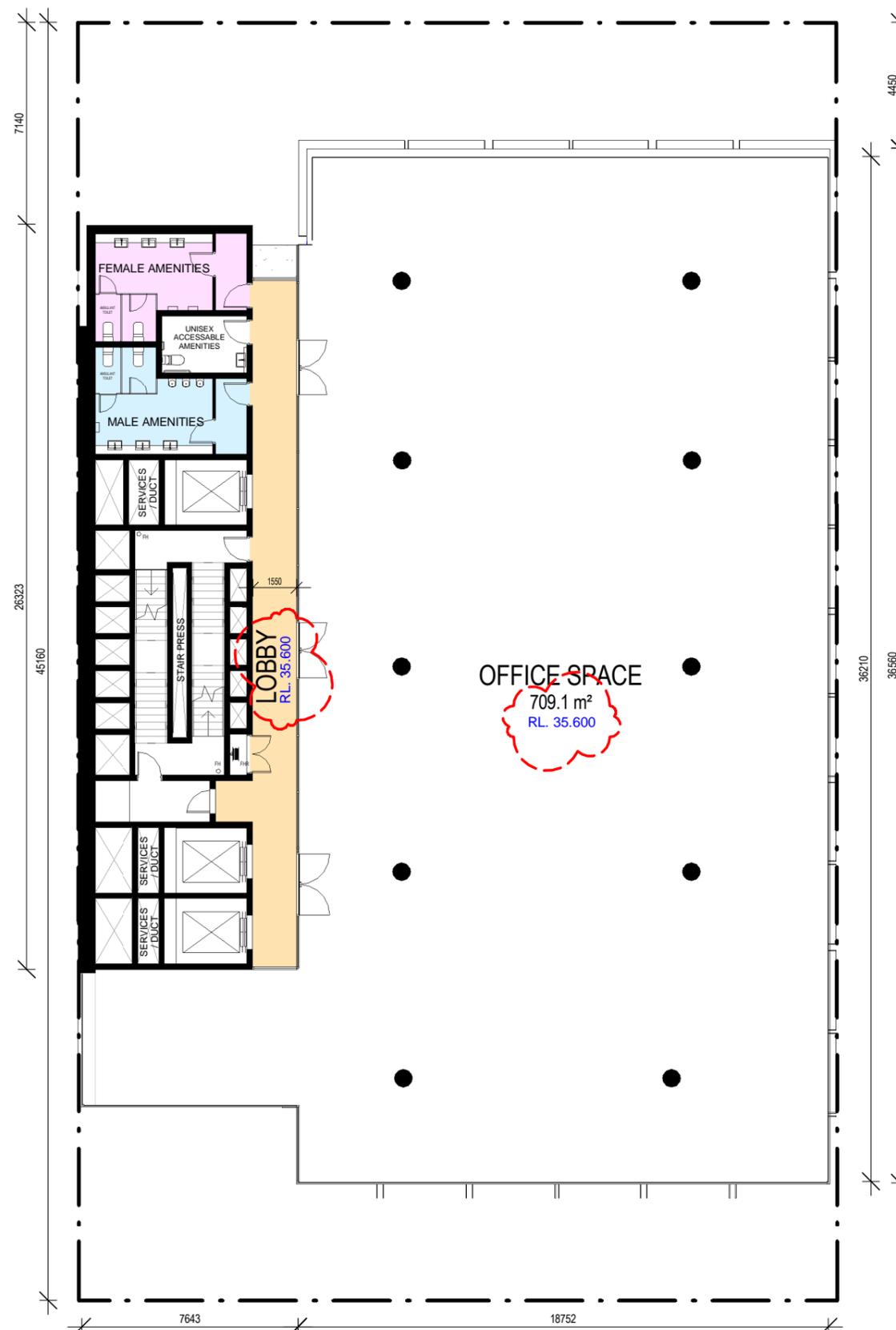
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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	15 RR
DRAWING NAME:	LEVEL 2	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



TYPICAL LEVEL 3 & 4

1 : 200

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REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

RB01	RENDERED BRICKWORK	S	STONEMWORK	SLW	SLIDING WINDOW	P	POST
RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPIPES	OB	OBSURE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES		
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		

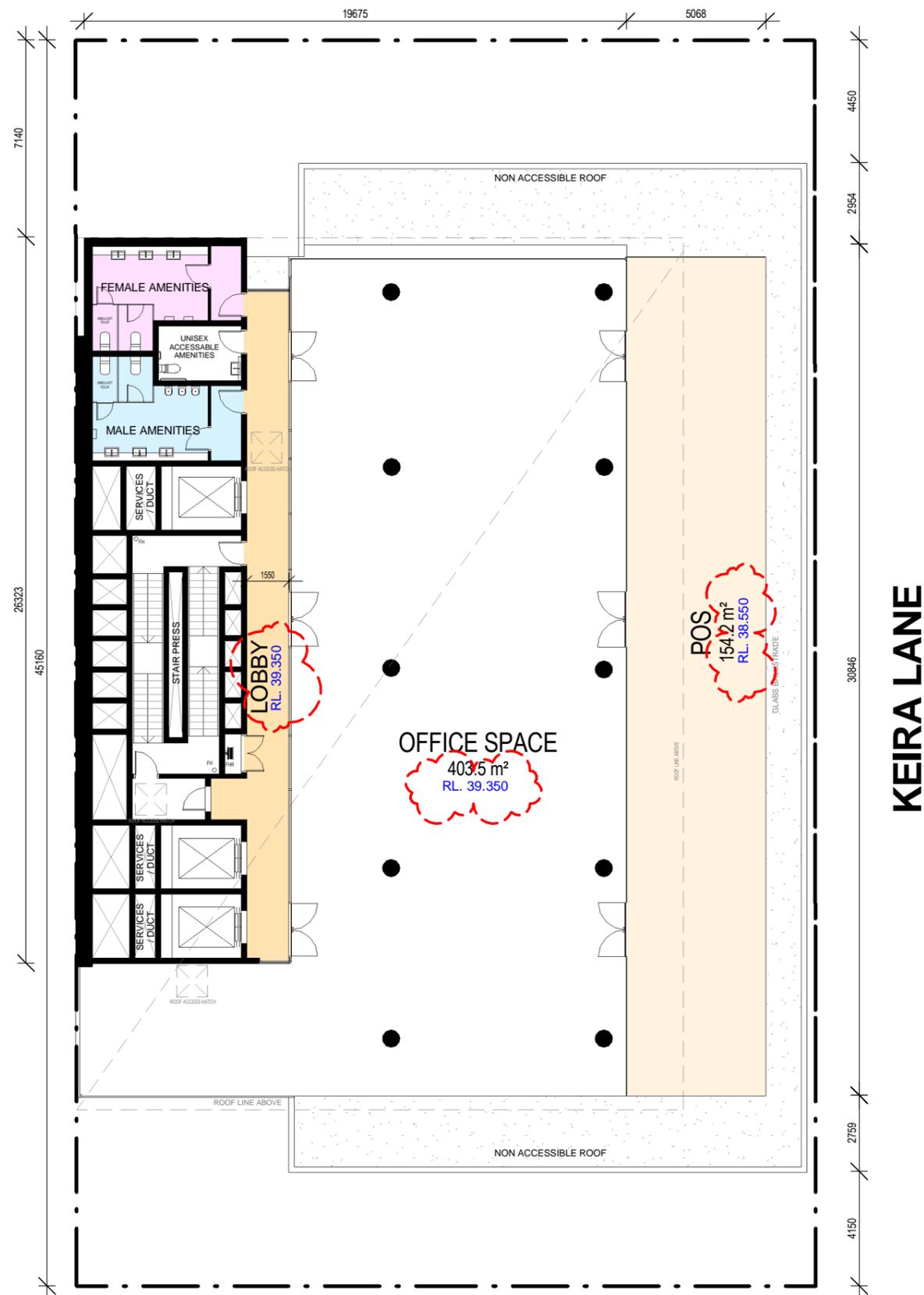


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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	16 RR
DRAWING NAME:	TYPICAL LEVEL 3 & 4	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



KEIRA LANE

MARKET STREET

LEVEL 5

1 : 200

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DEVELOPMENT APPLICATION

REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

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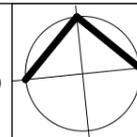
Legend:

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RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
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RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

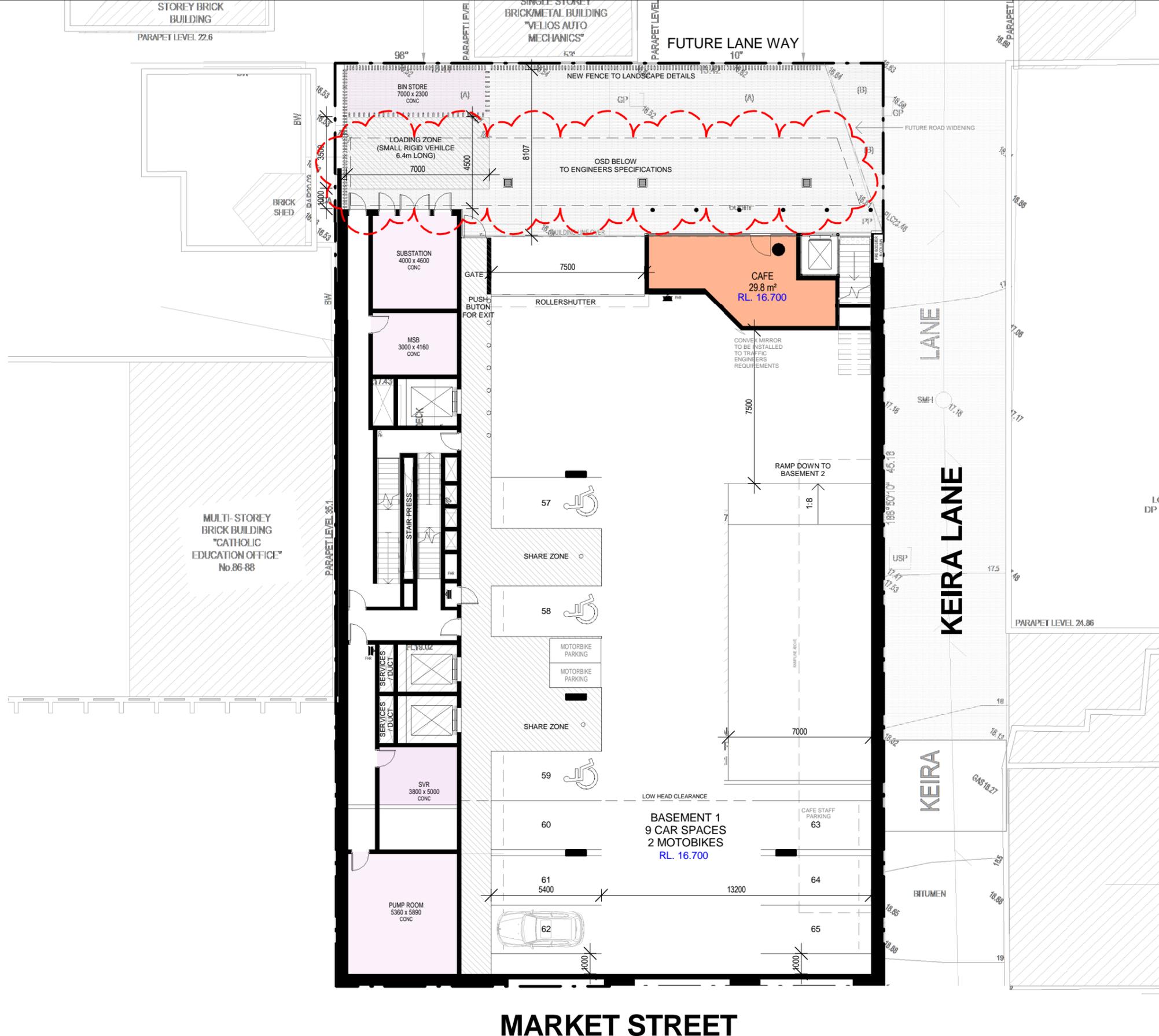


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 Nominated Architect: Robert Gizzi (Reg. 8286)



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ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	17 RR
DRAWING NAME:	LEVEL 5	SCALE:	1 : 200	QA:	RG



BASEMENT 1

1 : 200

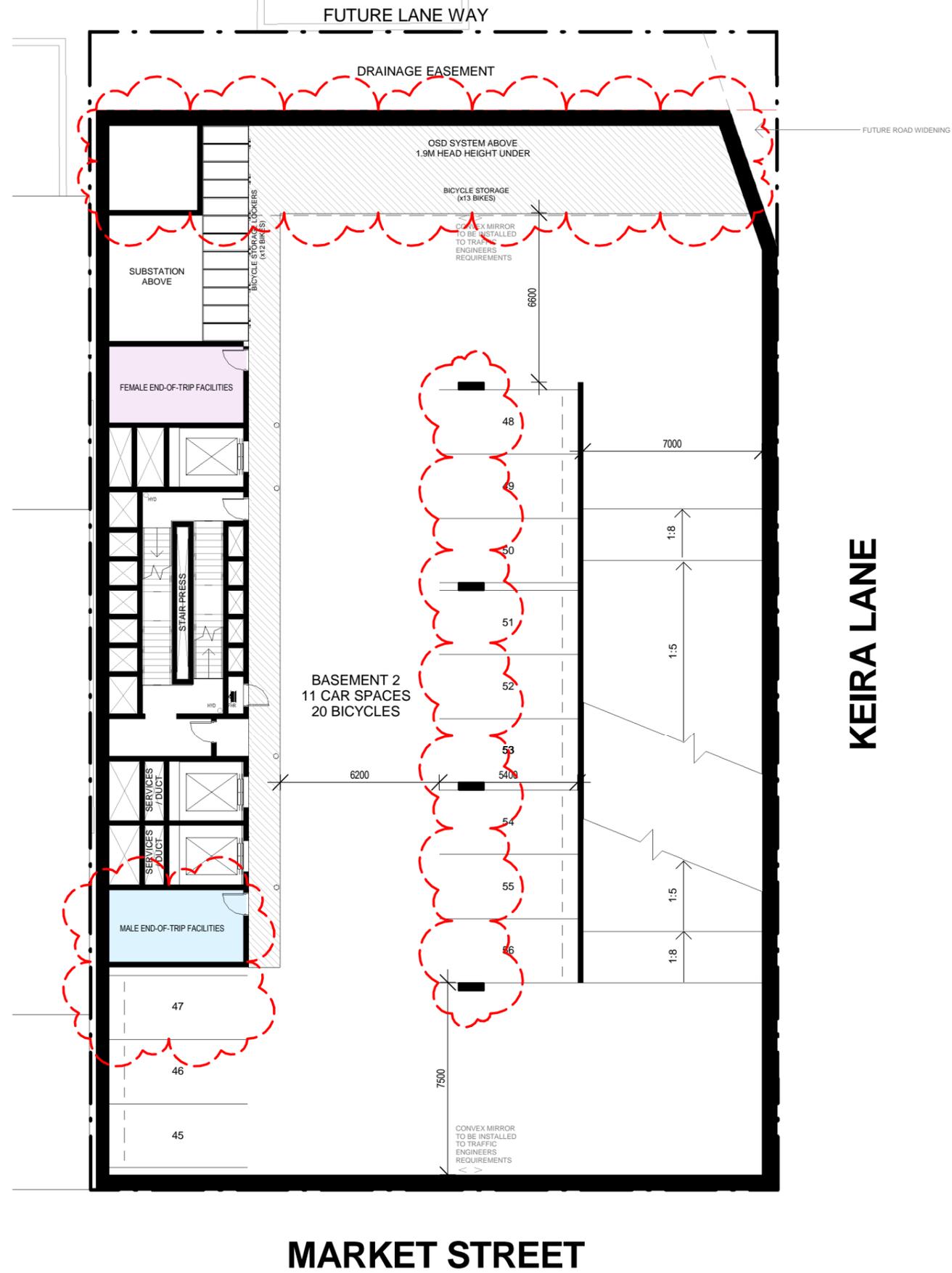
MARKET STREET

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DEVELOPMENT APPLICATION

REF. RR	DATE 26.11.2019	AMENDMENT AMENDED LEVELS	Legend:	S STONework R ROOF DP DOWNPIPES TB TIMBER BATTENS D DOOR GD GARAGE DOOR SLD SLIDING DOOR BFD BI-FOLD DOOR RW RETAINING WALL	SLW SLIDING WINDOW FW FIXED WINDOW OB OBSCURE WINDOW AW AWNING WINDOW SK SKYLIGHT WH WINDOW HOOD LV LOUVRES RWT RAINWATER TANK	P POST T TIMBER FLOORS CT CERAMIC TILES CPT CARPET PC POLISHED CONCRETE SP FEATURE SCREENING	DWA DESIGN WORKSHOP AUSTRALIA	Wollongong 81a Princes Highway, Fairy Meadow Tel: (02) 4227 1661 P.O. Box 3091, Balgownie NSW 2519 Sydney Suite 704, 31 Market Street, Sydney	Email: info@designworkshop.com.au Web: http://www.designworkshop.com.au Nominated Architect: Robert Gizzi (Reg. 8286)		CLIENT: JB + SR COMMERCIAL ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW DRAWING NAME: BASEMENT 1	DATE: FEB 2017 DRAWN: NT SCALE: 1 : 200 QA: RG	PROJECT No. 1591 DWG No. 12 RR
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KEIRA LANE

BASEMENT 2

1 : 200

MARKET STREET

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DEVELOPMENT APPLICATION

REF.	DATE	AMENDMENT	ADDITIONAL INFORMATION
QQ	04.11.2019		

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Legend:

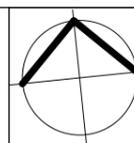
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RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



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CLIENT: JB + SR COMMERCIAL

ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW

DRAWING NAME: BASEMENT 2

DATE: FEB 2017

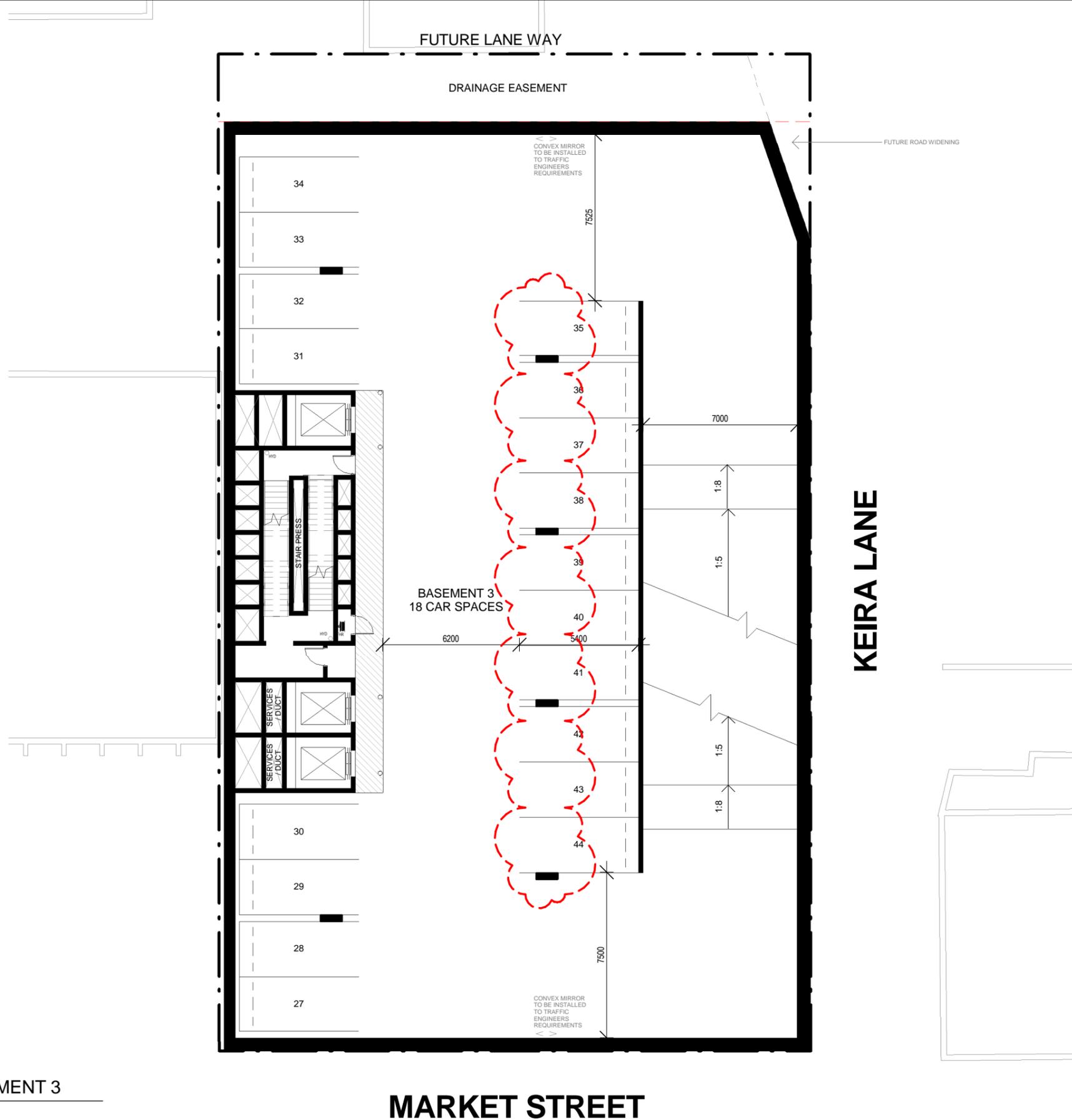
DRAWN: NT

SCALE: 1 : 200

QA: RG

PROJECT No. 1591

DWG No. 11 QQ



BASEMENT 3

1 : 200

MARKET STREET

KEIRA LANE

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REF.	DATE	AMENDMENT
QQ	04.11.2019	ADDITIONAL INFORMATION

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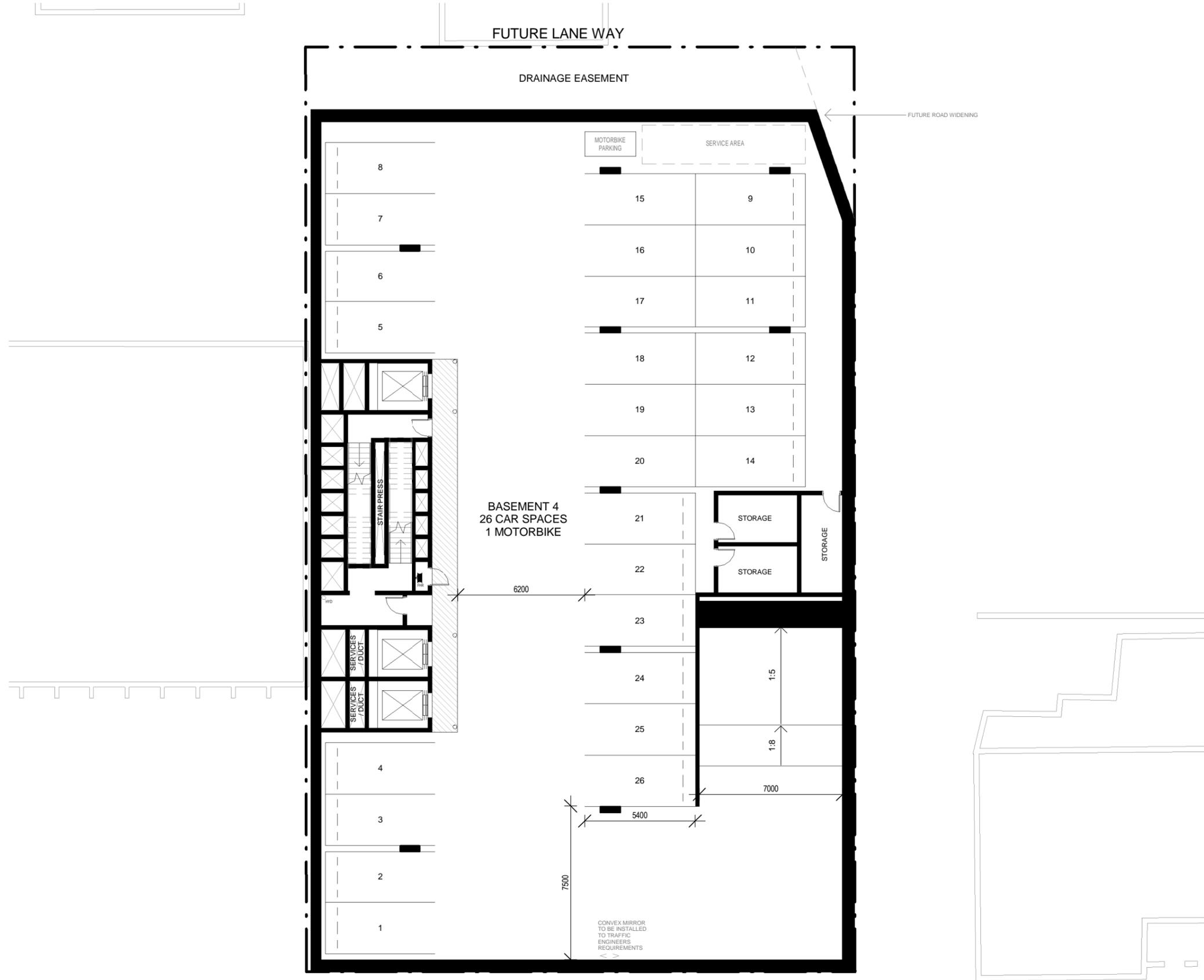
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RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
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RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



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 Web: http://www.designworkshop.com.au
 Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	Author	DWG No.	10 QQ
DRAWING NAME:	BASEMENT 3	SCALE:	1 : 200	QA:	Checker



BASEMENT 4

1 : 200

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REF.	DATE	AMENDMENT	ADDITIONAL INFORMATION
QQ	04.11.2019		

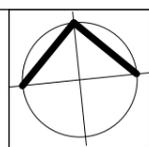
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RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPIPES	OB	OBSCURE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
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CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
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RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		



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 Nominated Architect: Robert Gizzi (Reg. 8286)

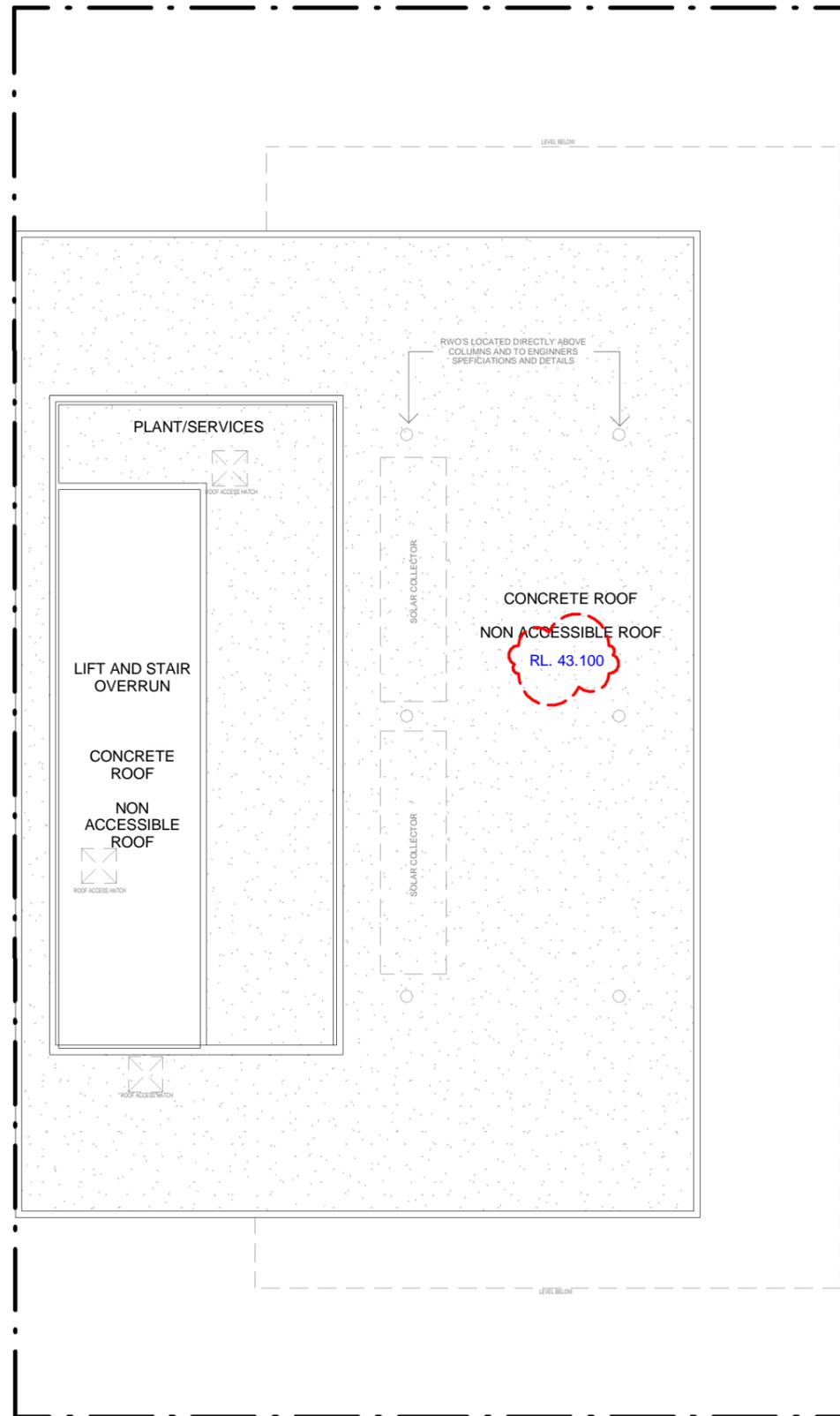


CLIENT: JB + SR COMMERCIAL
 ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW
 DRAWING NAME: BASEMENT 4

DATE: FEB 2017
 DRAWN: NT
 SCALE: 1 : 200
 QA: RG

PROJECT No. 1591
 DWG No. 09 QQ

DEVELOPMENT APPLICATION



LEVEL 6 (PLANT ROOM)

1 : 200

MARKET STREET

KEIRA LANE

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REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

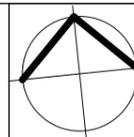
Legend:

RB01 RENDERED BRICKWORK	S STONEMWORK	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



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 Web: http://www.designworkshop.com.au
 Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: JB + SR
 COMMERCIAL

ADDRESS: 80-82 MARKET STREET,
 WOLLONGONG, NSW

DRAWING NAME: ROOF PLAN

DATE: FEB 2017

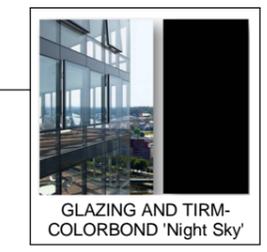
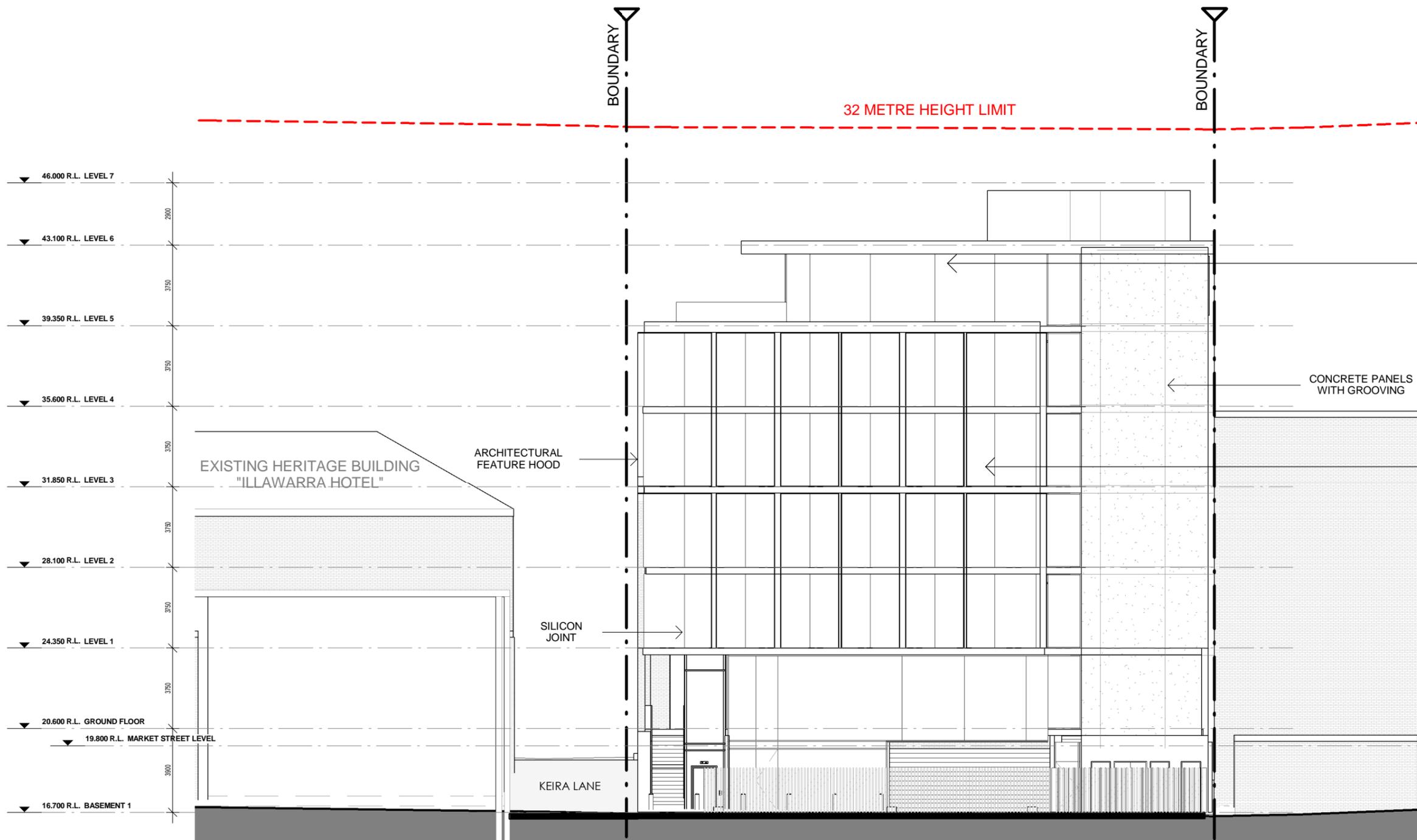
DRAWN: NT

SCALE: 1 : 200

QA: RG

PROJECT No.
1591

DWG No.
18 RR



CONCRETE PANELS
WITH GROOVING

ARCHITECTURAL
FEATURE HOOD

SILICON
JOINT

EXISTING HERITAGE BUILDING
"ILLAWARRA HOTEL"

BOUNDARY

BOUNDARY

32 METRE HEIGHT LIMIT

NORTH ELEVATION

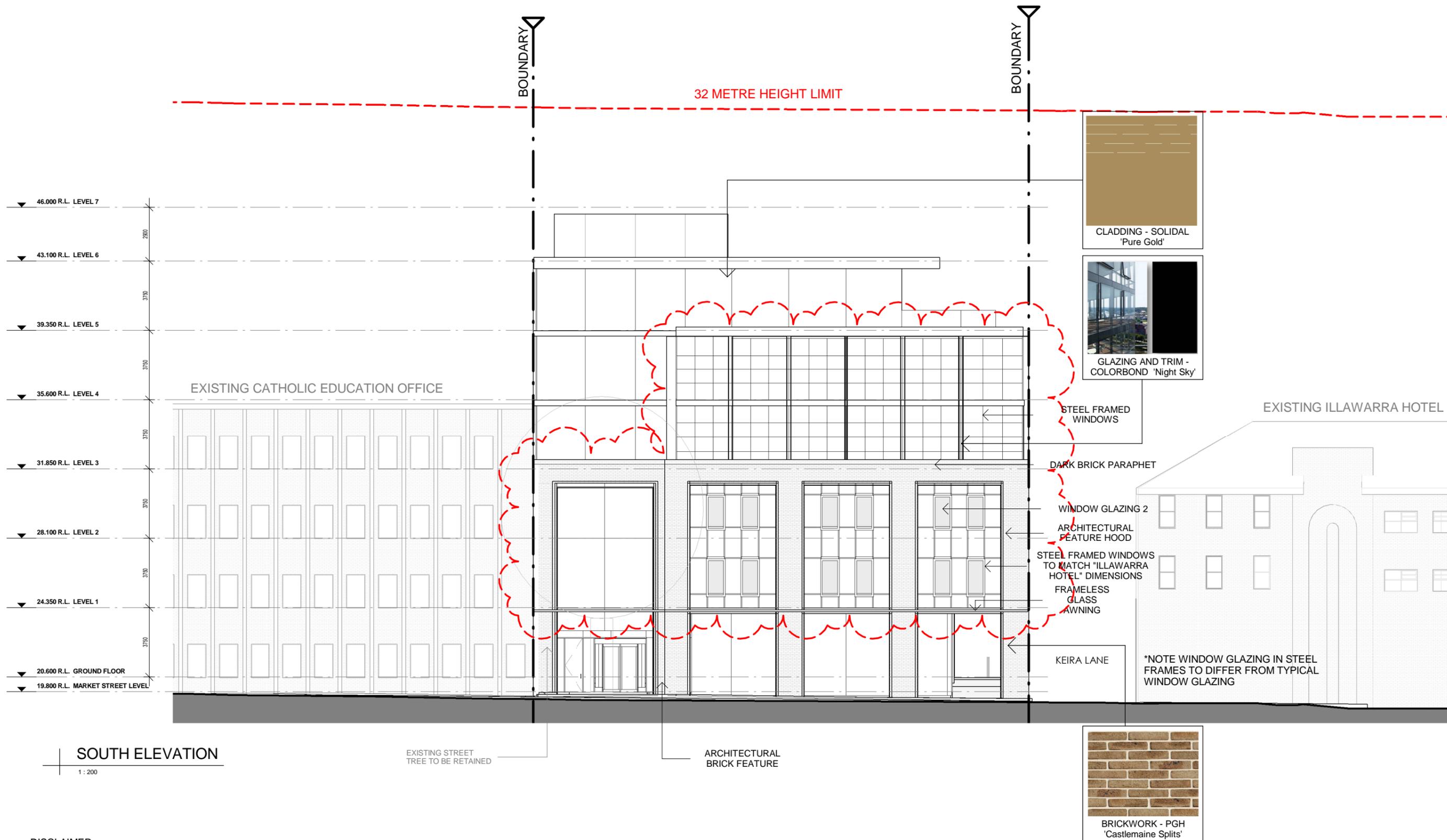
1 : 200

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DEVELOPMENT APPLICATION

REF. RR	DATE 26.11.2019	AMENDMENT AMENDED LEVELS	Legend: RB01 RENDERED BRICKWORK RB02 RENDERED BRICKWORK FB01 FACE BRICKWORK FB02 FACE BRICKWORK BL BLOCKWORK CL01 CLADDING CL02 CLADDING RW RETAINING WALL S STONEWORK R ROOF DP DOWNPIPES TB TIMBER BATTENS D DOOR GD GARAGE DOOR BFD BI-FOLD DOOR SLW SLIDING WINDOW FW FIXED WINDOW OB OBTUSE WINDOW AW AWNING WINDOW SK SKYLIGHT WH WINDOW HOOD LV LOUVRES RWT RAINWATER TANK P POST T TIMBER FLOORS CT CERAMIC TILES CPT CARPET PC POLISHED CONCRETE SP FEATURE SCREENING	Wollongong 81a Princes Highway, Fairy Meadow Tel: (02) 4227 1661 P.O. Box 3091, Balgownie NSW 2519 Sydney Suite 704, 31 Market Street, Sydney	Email: info@designworkshop.com.au Web: http://www.designworkshop.com.au Nominated Architect: Robert Gizzi (Reg. 8286)	CLIENT: JB + SR COMMERCIAL ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW DRAWING NAME: NORTH ELEVATION	DATE: FEB 2017 DRAWN: NT SCALE: 1 : 200 QA: RG	PROJECT No. 1591 DWG No. 33 RR
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REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

RB01 RENDERED BRICKWORK	S STONework	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



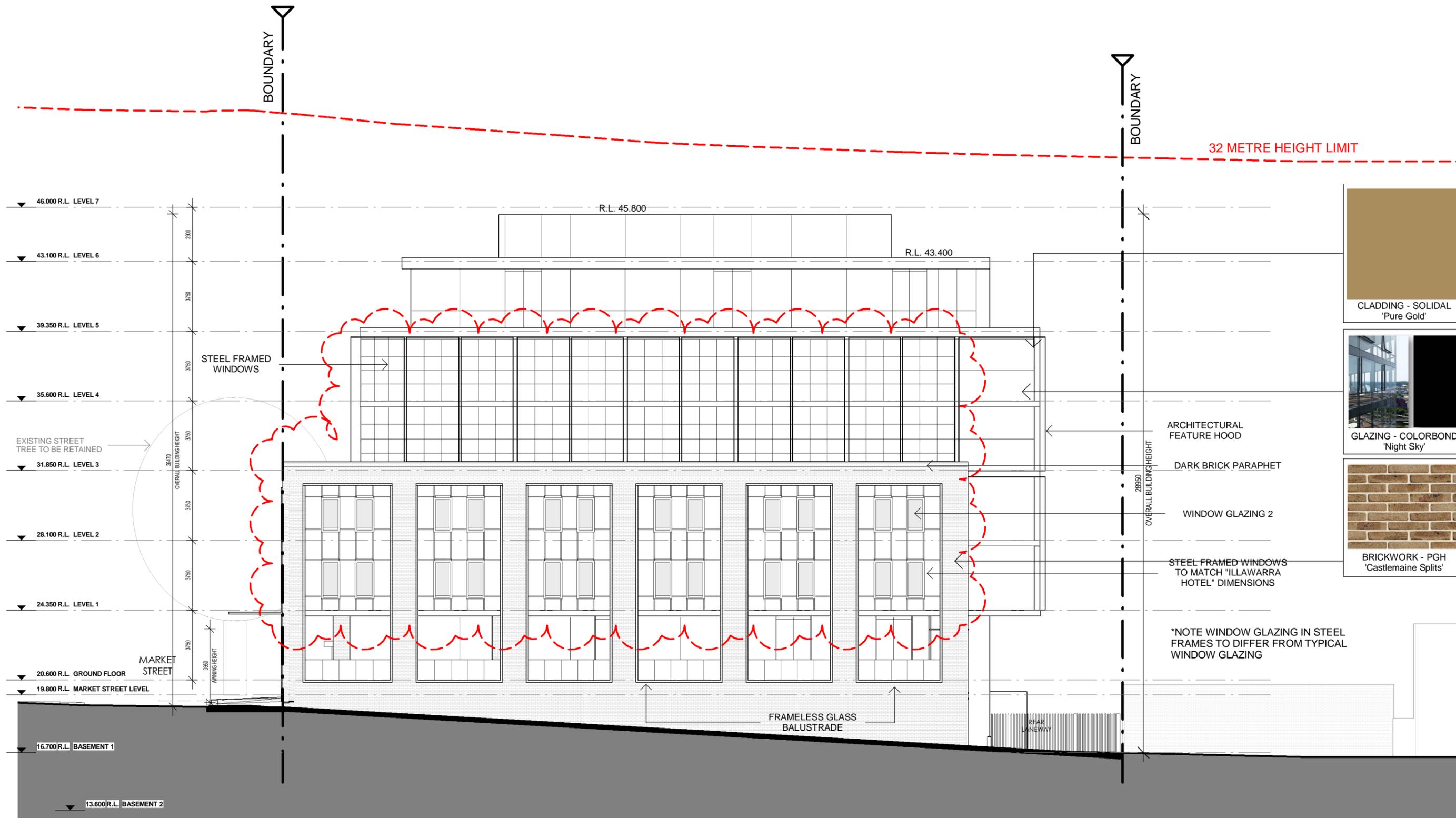
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 Web: http://www.designworkshop.com.au
 Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	31 RR
DRAWING NAME:	SOUTH ELEVATION	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



EAST ELEVATION

1 : 200

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REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

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Legend:

RB01 RENDERED BRICKWORK	S STONework	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
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BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

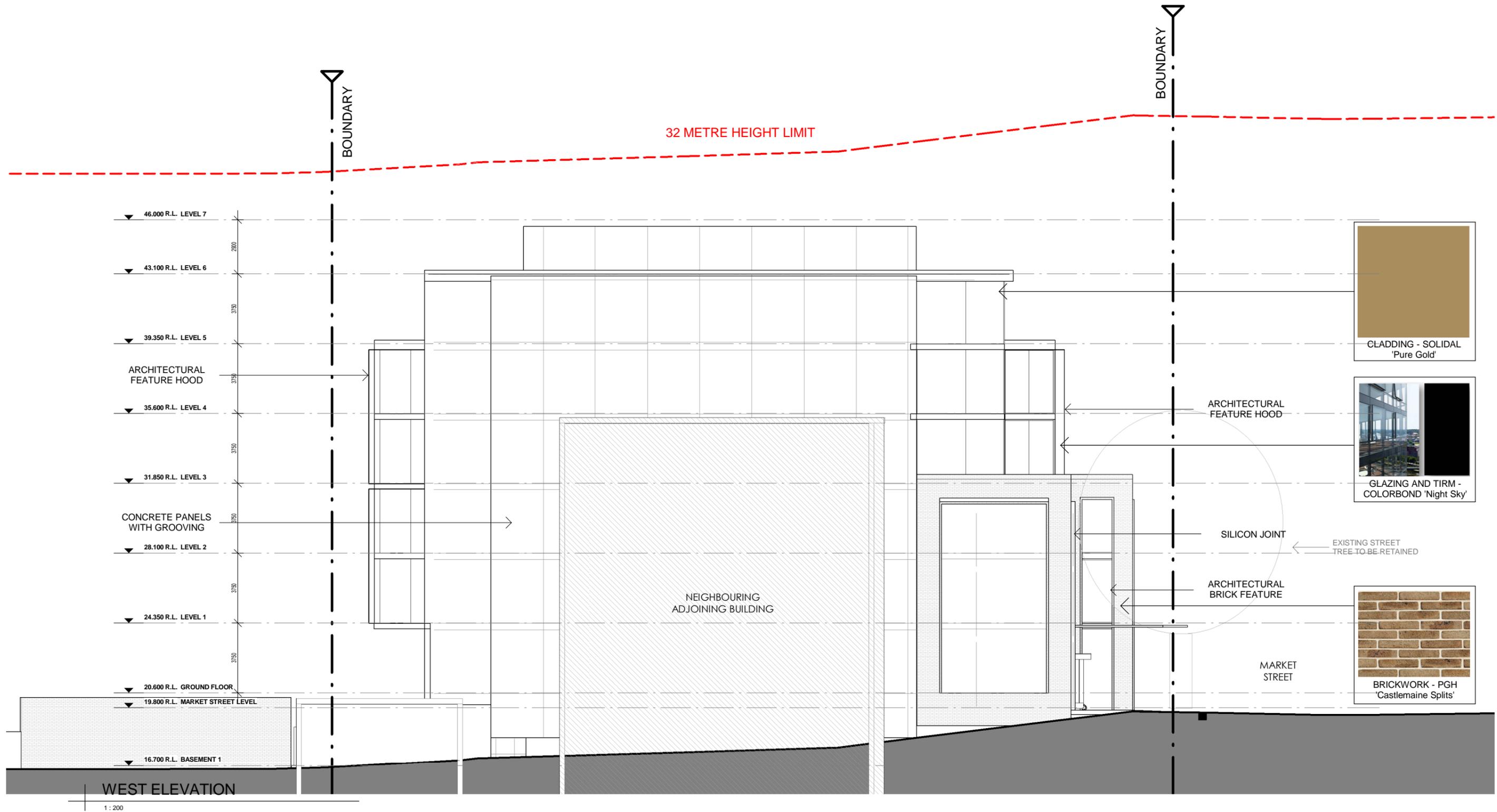


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 Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	30 RR
DRAWING NAME:	EAST ELEVATION	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



1 : 200

DISCLAIMER
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REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

RB01 RENDERED BRICKWORK	S STONework	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

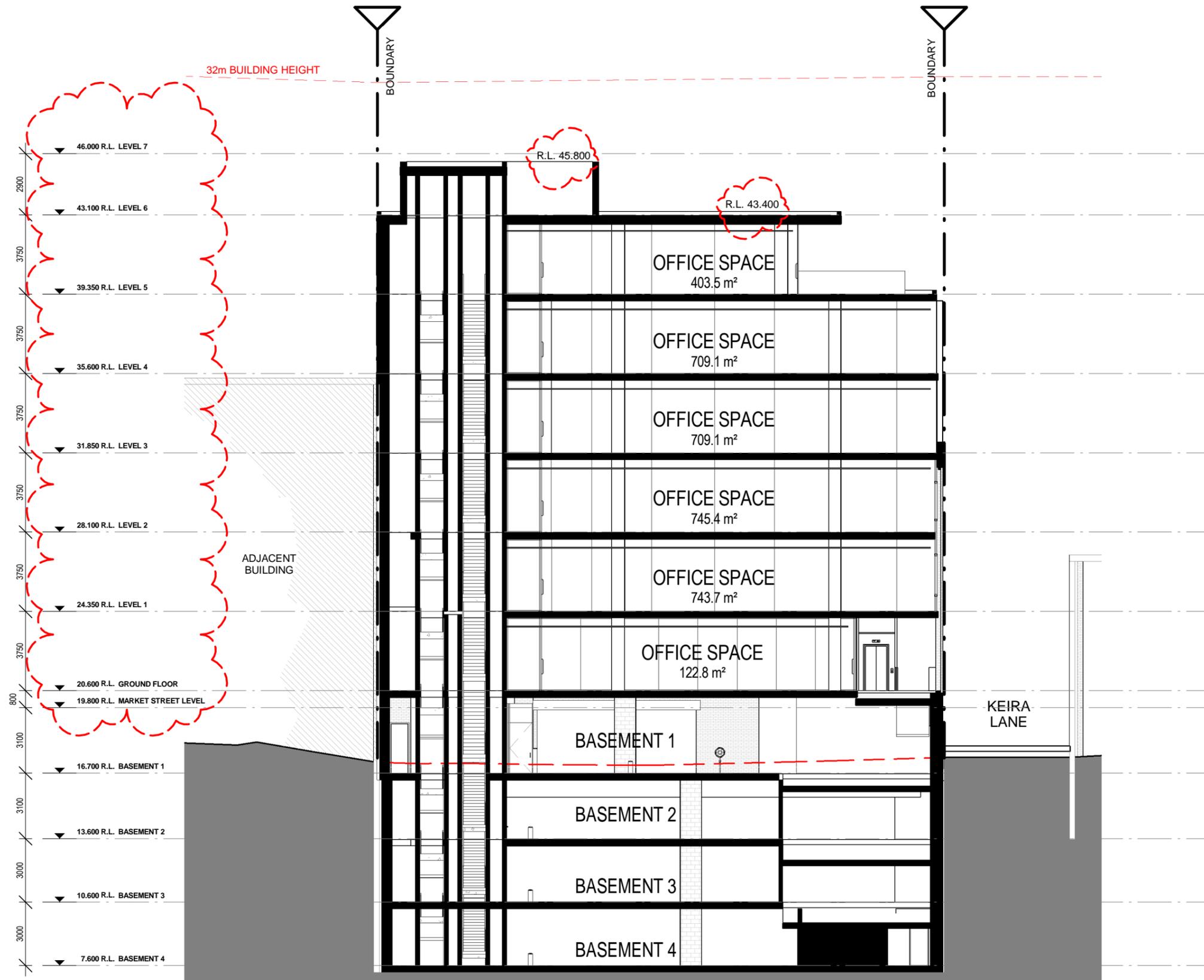


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Email: info@designworkshop.com.au
 Web: http://www.designworkshop.com.au
 Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	32 RR
DRAWING NAME:	WEST ELEVATION	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



SECTION A-A
1 : 200

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Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:			
RB01	RENDERED BRICKWORK	S	STONework
RB02	RENDERED BRICKWORK	R	RoOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
		SLW	SLIDING WINDOW
		FW	FIXED WINDOW
		OB	OBSCURE WINDOW
		AW	AWNING WINDOW
		SK	SKYLIGHT
		WH	WINDOW HOOD
		LV	LOUVRES
		RWT	RAINWATER TANK
		P	POST
		T	TIMBER FLOORS
		CT	CERAMIC TILES
		CPT	CARPET
		PC	POLISHED CONCRETE
		SP	FEATURE SCREENING

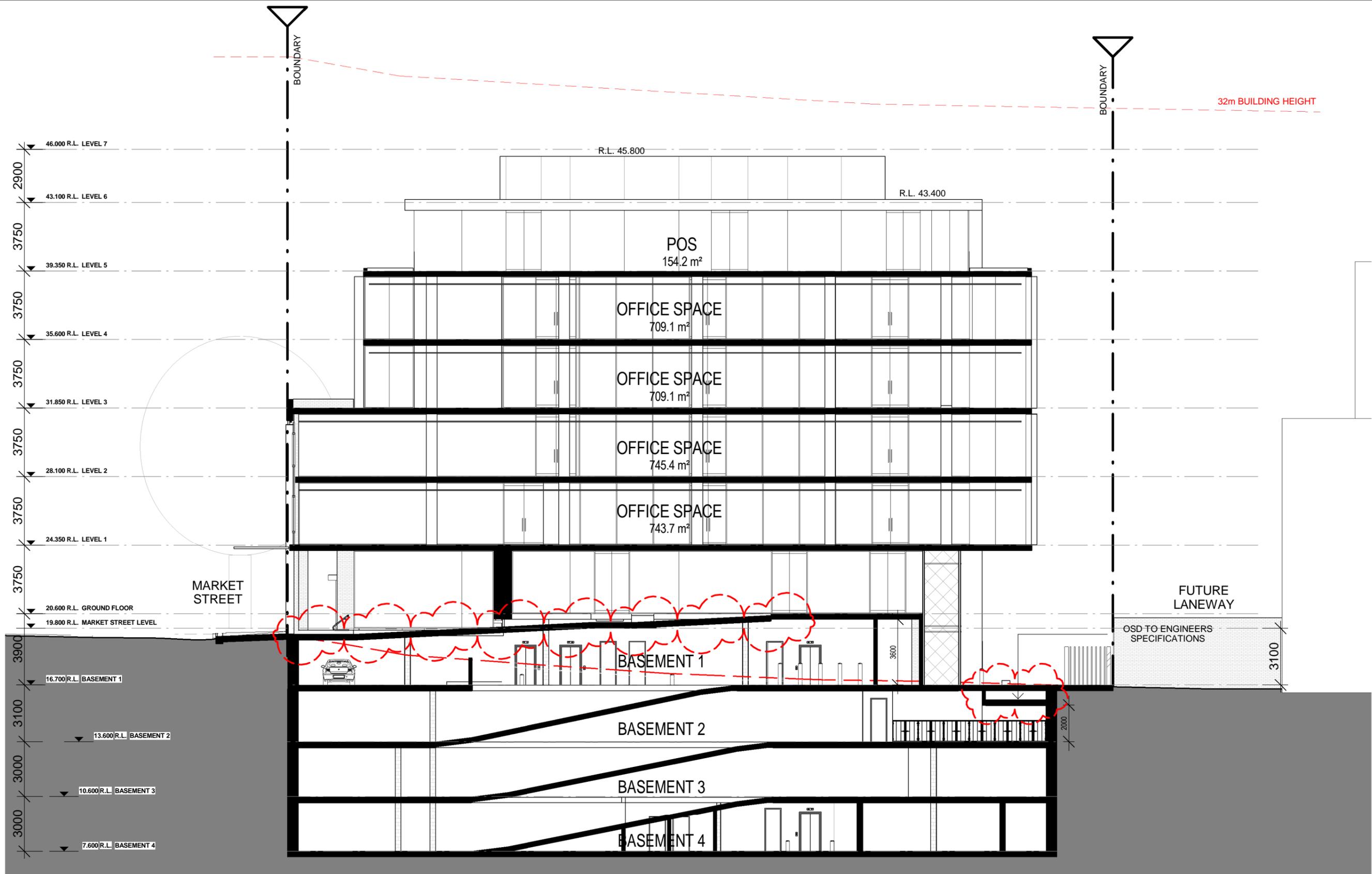


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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	42 RR
DRAWING NAME:	SECTION A-A	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



SECTION B-B

1 : 200

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 Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

RB01 RENDERED BRICKWORK	S STONework	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

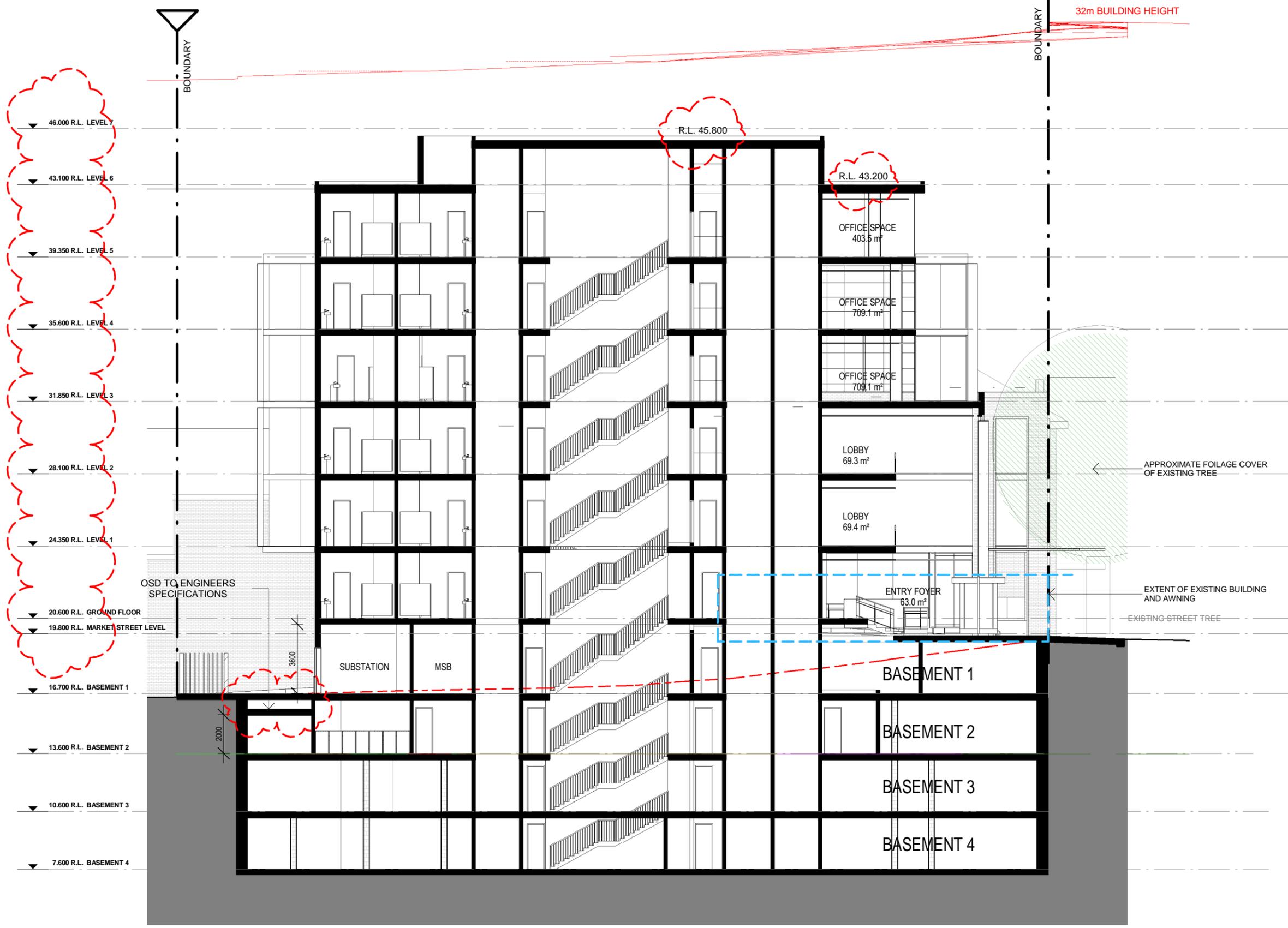


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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	43 RR
DRAWING NAME:	SECTION B-B	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



SECTION C-C

1 : 200

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REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

Legend:

RB01 RENDERED BRICKWORK	S STONework	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

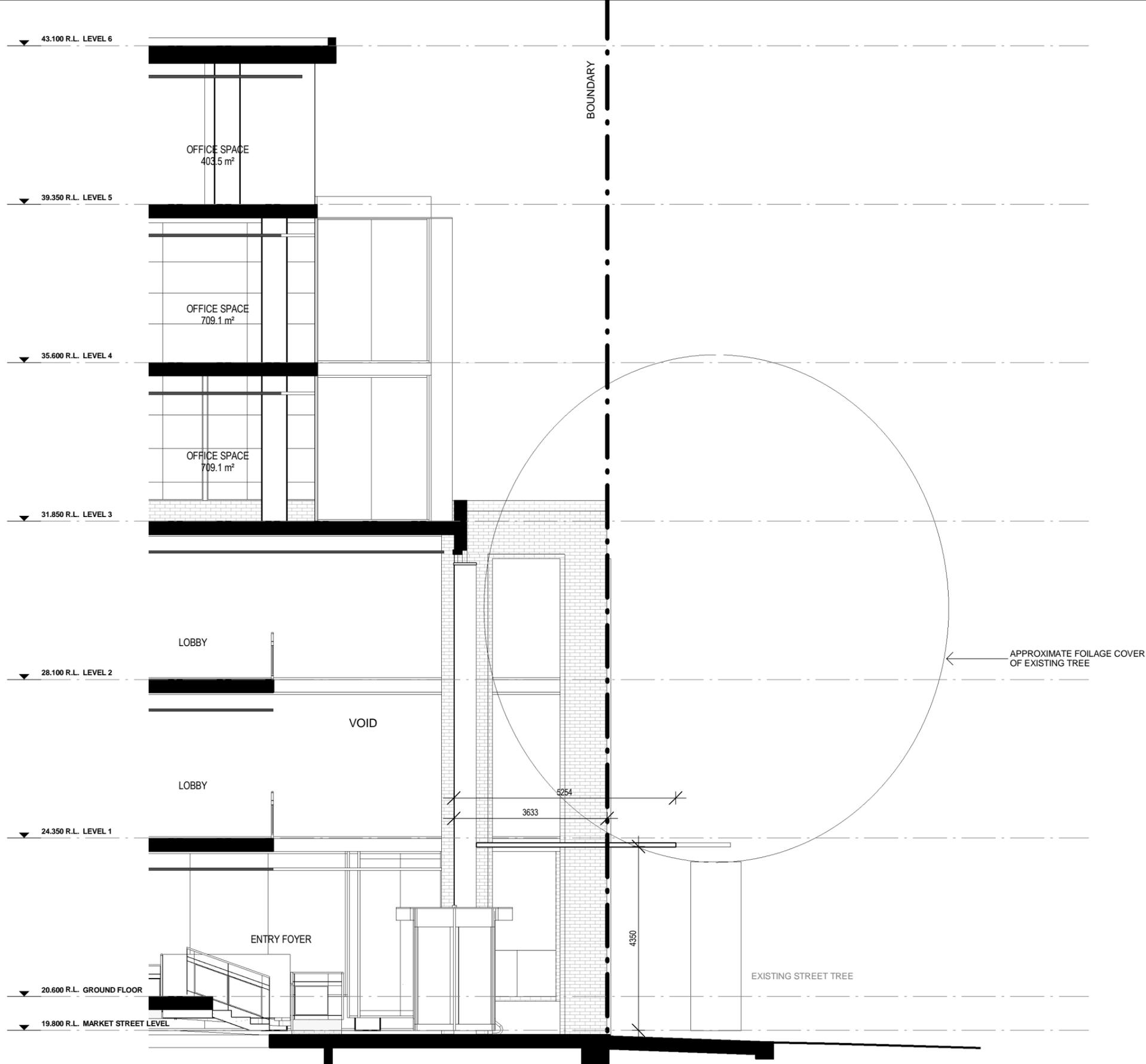


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 Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	44 RR
DRAWING NAME:	SECTION C-C	SCALE:	1 : 200	QA:	RG

DEVELOPMENT APPLICATION



SECTION D-D

1 : 100

DISCLAIMER
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DEVELOPMENT APPLICATION

REF.	DATE	AMENDMENT
RR	26.11.2019	AMENDED LEVELS

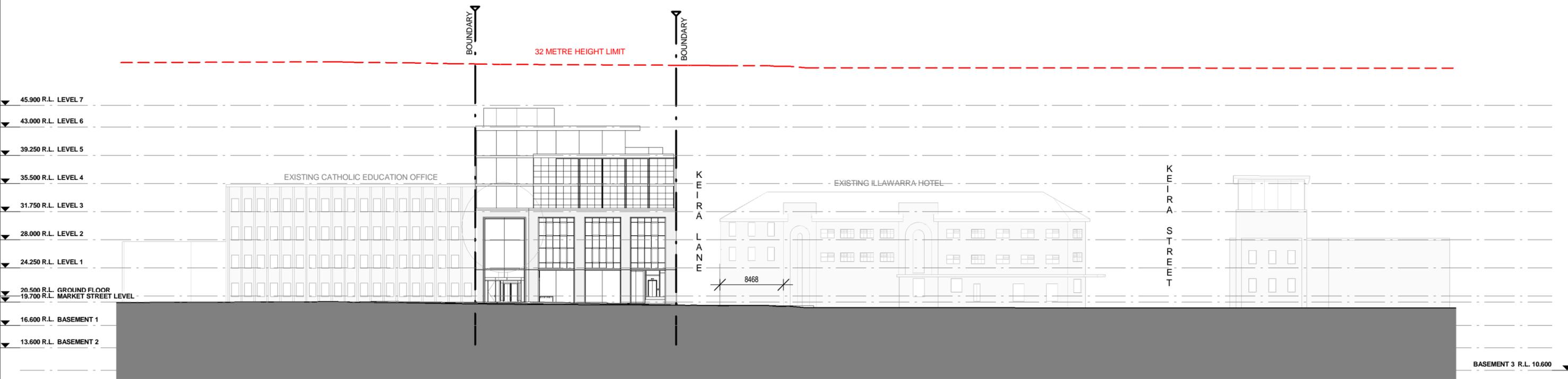
Legend:	
RB01	RENDERED BRICKWORK
RB02	RENDERED BRICKWORK
FB01	FACE BRICKWORK
FB02	FACE BRICKWORK
BL	BLOCKWORK
CL01	CLADDING
CL02	CLADDING
RW	RETAINING WALL
S	STONework
R	ROOF
DP	DOWNPIPES
TB	TIMBER BATTENS
D	DOOR
GD	GARAGE DOOR
SLD	SLIDING DOOR
BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW
FW	FIXED WINDOW
OB	OBSOURE WINDOW
AW	AWNING WINDOW
SK	SKYLIGHT
WH	WINDOW HOOD
LV	LOUVRES
RWT	RAINWATER TANK
P	POST
T	TIMBER FLOORS
CT	CERAMIC TILES
CPT	CARPET
PC	POLISHED CONCRETE
SP	FEATURE SCREENING



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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	45 RR
DRAWING NAME:	DETAILED SECTION - SECTION D-D	SCALE:	1 : 100	QA:	RG



SITE SECTION - MARKET STREET

1 : 500

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REF.	DATE	AMENDMENT
QQ	04.11.2019	ADDITIONAL INFORMATION

Legend:

RB01 RENDERED BRICKWORK	S STONEMWORK	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
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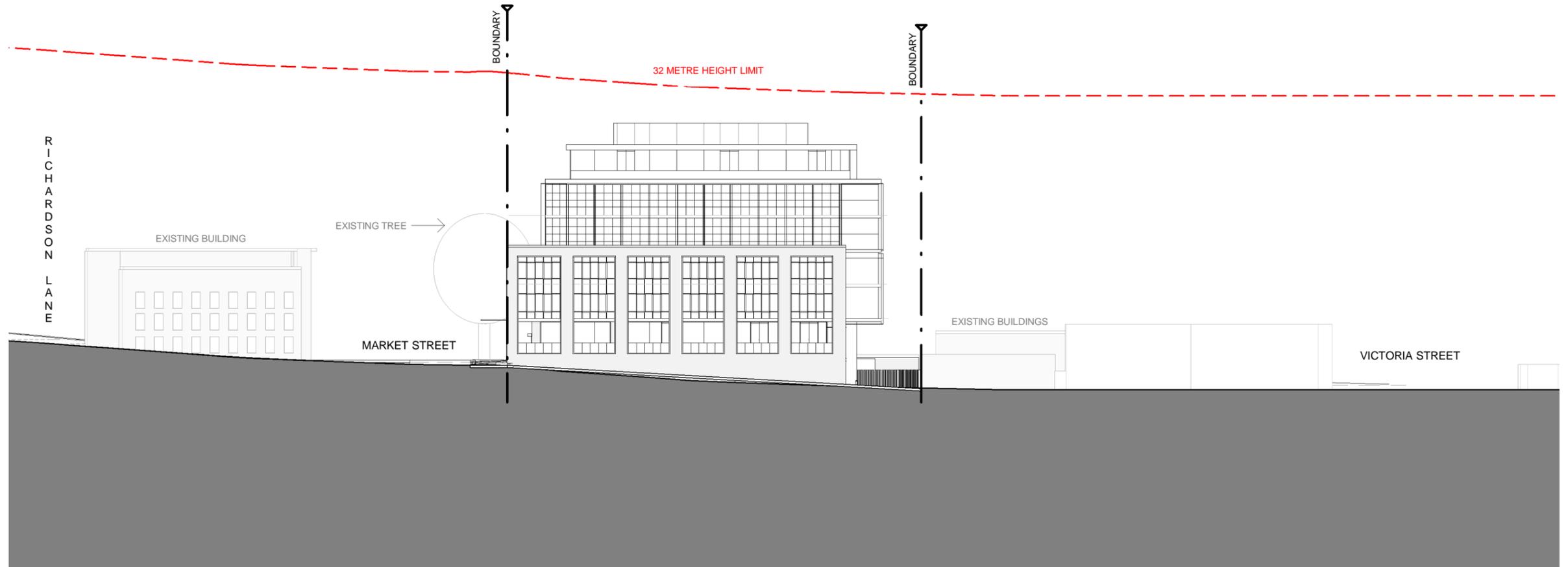


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CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	41 QQ
DRAWING NAME:	SITE SECTION - MARKET STREET	SCALE:	1 : 500	QA:	RG

HERITAGE FACADE - OPTION A
DEVELOPMENT APPLICATION



SITE SECTION - KEIRA LANE

1 : 500

DISCLAIMER

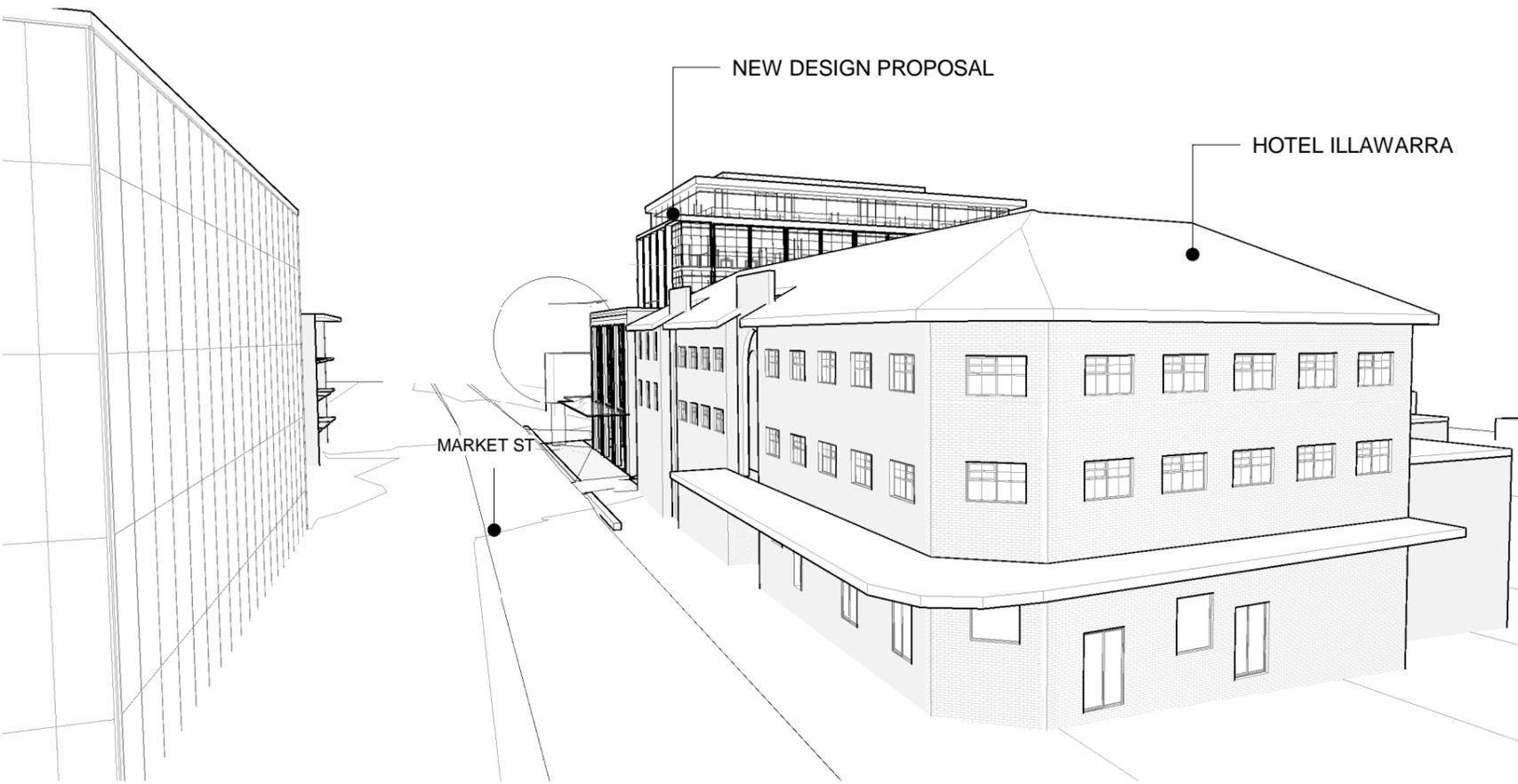
Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

HERITAGE FACADE - OPTION A

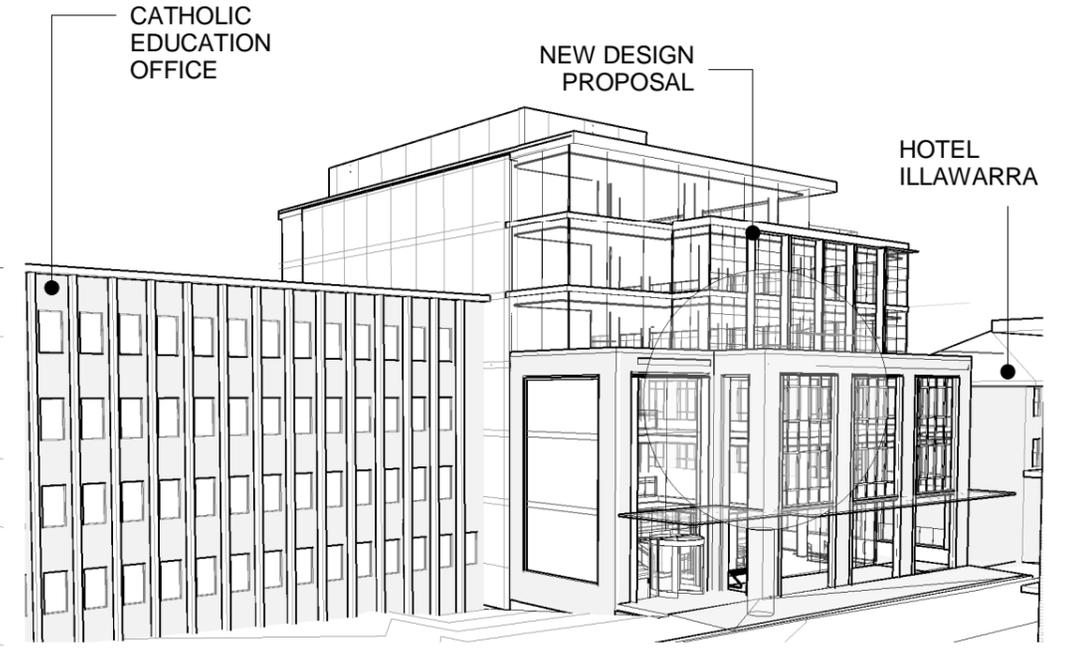
DEVELOPMENT APPLICATION

REF. QQ	DATE 04.11.2019	AMENDMENT ADDITIONAL INFORMATION	<p>Legend:</p> <table border="0"> <tr> <td>RB01 RENDERED BRICKWORK</td> <td>S STONEMWORK</td> <td>SLW SLIDING WINDOW</td> <td>P POST</td> </tr> <tr> <td>RB02 RENDERED BRICKWORK</td> <td>R ROOF</td> <td>FW FIXED WINDOW</td> <td>T TIMBER FLOORS</td> </tr> <tr> <td>FB01 FACE BRICKWORK</td> <td>DP DOWNPIPES</td> <td>OB OBSCURE WINDOW</td> <td>CT CERAMIC TILES</td> </tr> <tr> <td>FB02 FACE BRICKWORK</td> <td>TB TIMBER BATTENS</td> <td>AW AWNING WINDOW</td> <td>CPT CARPET</td> </tr> <tr> <td>BL BLOCKWORK</td> <td>D DOOR</td> <td>SK SKYLIGHT</td> <td>PC POLISHED CONCRETE</td> </tr> <tr> <td>CL01 CLADDING</td> <td>GD GARAGE DOOR</td> <td>WH WINDOW HOOD</td> <td>SP FEATURE SCREENING</td> </tr> <tr> <td>CL02 CLADDING</td> <td>SLD SLIDING DOOR</td> <td>LV LOUVRES</td> <td></td> </tr> <tr> <td>RW RETAINING WALL</td> <td>BFD BI-FOLD DOOR</td> <td>RWT RAINWATER TANK</td> <td></td> </tr> </table>	RB01 RENDERED BRICKWORK	S STONEMWORK	SLW SLIDING WINDOW	P POST	RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS	FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES	FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET	BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE	CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING	CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES		RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK		<p>DWA DESIGN WORKSHOP AUSTRALIA</p> <p>Wollongong 81a Princes Highway, Fairy Meadow Tel: (02) 4227 1661 P.O. Box 3091, Balgownie NSW 2519</p> <p>Sydney Suite 704, 31 Market Street, Sydney</p> <p>Email: info@designworkshop.com.au Web: http://www.designworkshop.com.au Nominated Architect: Robert Gizzi (Reg. 8286)</p>	<p>CLIENT: JB + SR COMMERCIAL</p> <p>ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW</p> <p>DRAWING NAME: SITE SECTION - KEIRA LANE</p>	<p>DATE: FEB 2017</p> <p>DRAWN: NT</p> <p>SCALE: 1 : 500</p> <p>QA: RG</p>	<p>PROJECT No. 1591</p> <p>DWG No. 40 QQ</p>
RB01 RENDERED BRICKWORK	S STONEMWORK	SLW SLIDING WINDOW	P POST																																				
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS																																				
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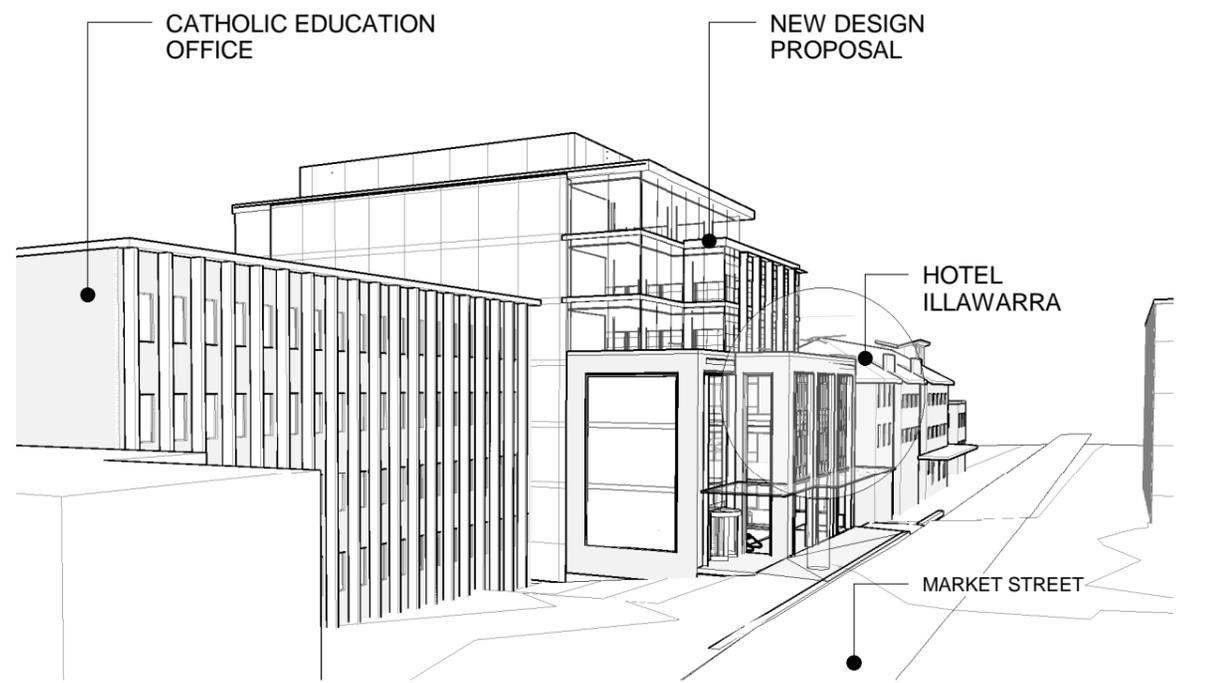
CORNER KEIRA ST AND MARKET ST



NEW DESIGN PROPOSAL



KEIRA STREET VIEW



MARKET STREET VIEW

DEVELOPMENT APPLICATION

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REF.	DATE	AMENDMENT
QQ	04.11.2019	ADDITIONAL INFORMATION

Legend:

RB01	RENDERED BRICKWORK	S	STONEMWORK	SLW	SLIDING WINDOW	P	POST
RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPIPES	OB	OBSURE WINDOW	CT	CERAMIC TILES
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 Web: <http://www.designworkshop.com.au>
 Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT: JB + SR COMMERCIAL
 ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW
 DRAWING NAME: 3D - PROPOSED CONTEXT PERSPECTIVES

DATE: FEB 2017
 DRAWN: NT
 SCALE:
 QA: RG

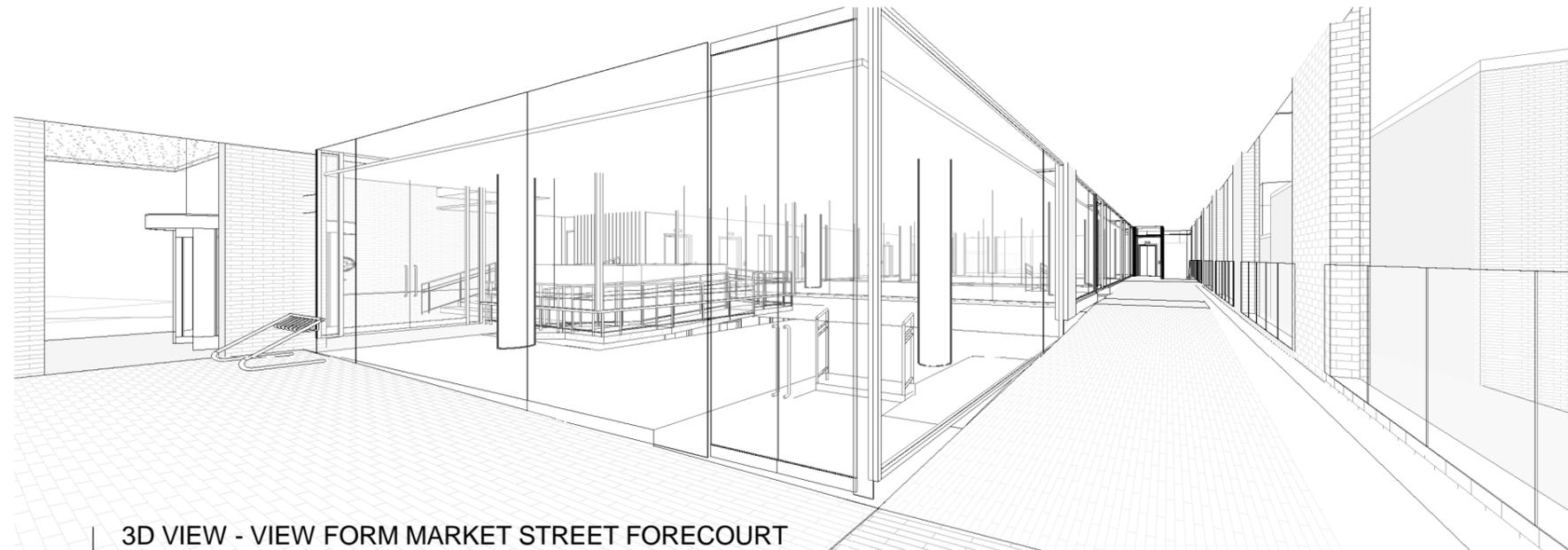
PROJECT No. 1591
 DWG No. 51 QQ



3D VIEW - ENTRY (VIEW FROM MARKET STREET)



3D VIEW - VIEW FROM REAR LANEWAY



3D VIEW - VIEW FORM MARKET STREET FORECOURT

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DEVELOPMENT APPLICATION

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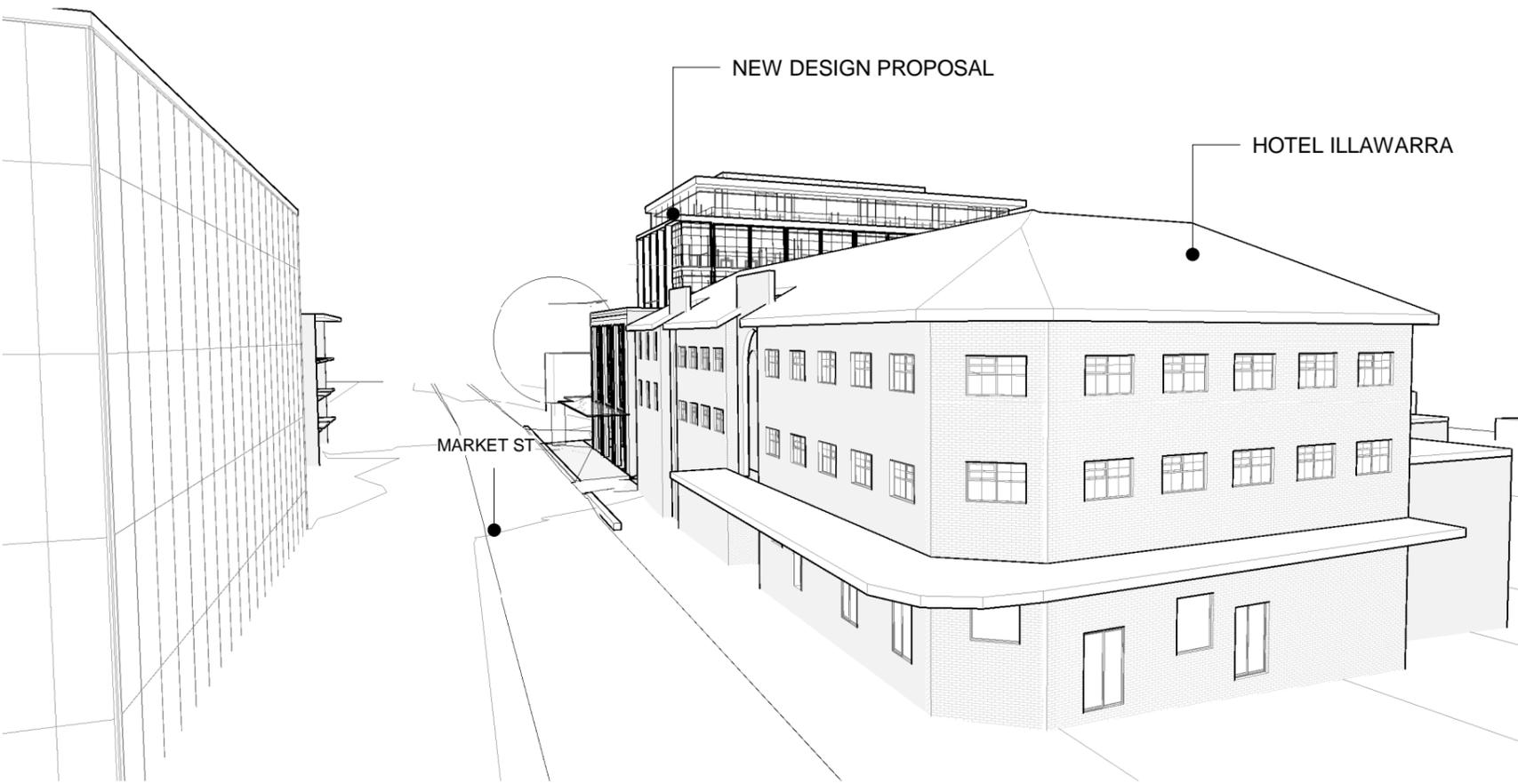


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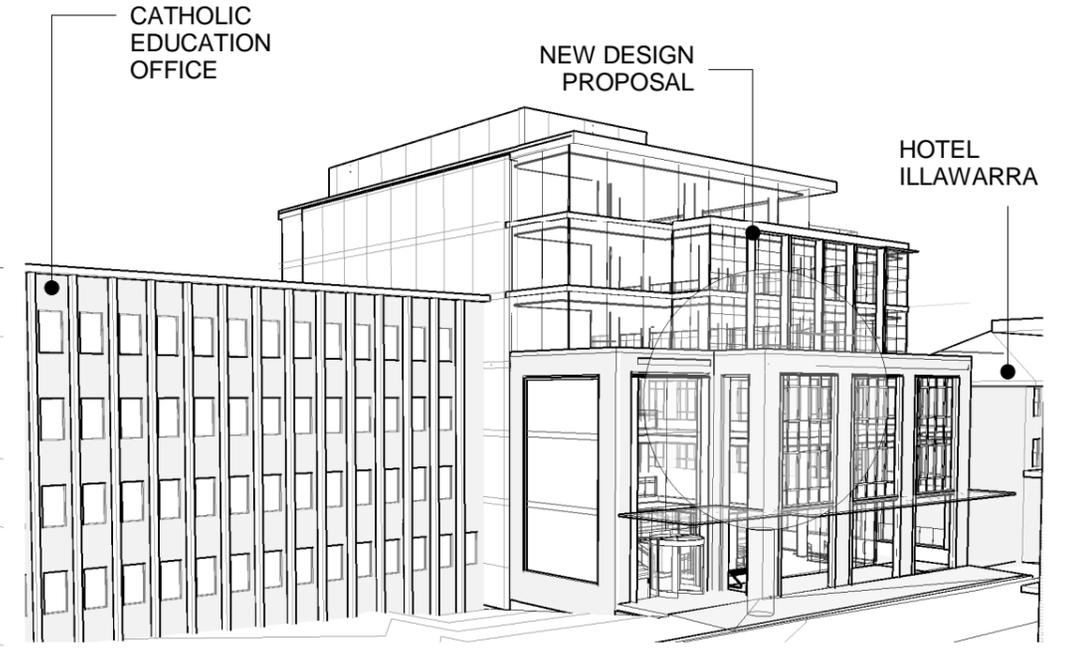
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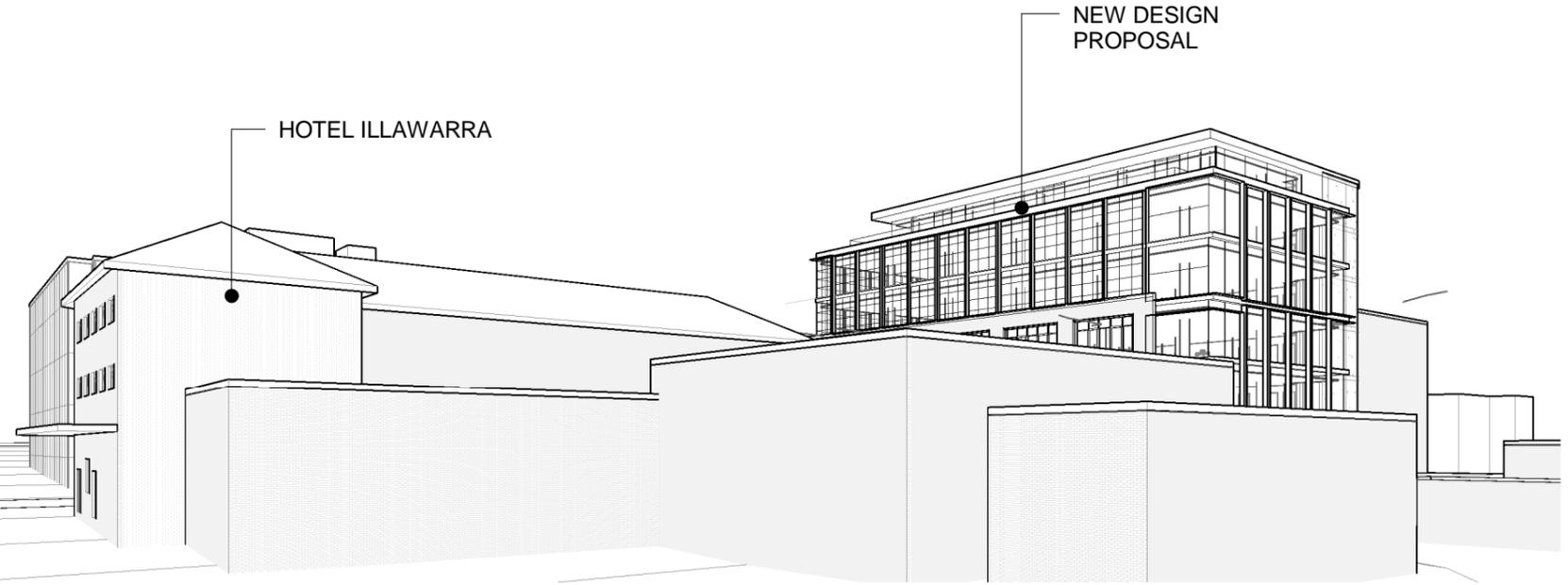
CLIENT:	JB + SR COMMERCIAL	DATE:	FEB 2017	PROJECT No.	1591
ADDRESS:	80-82 MARKET STREET, WOLLONGONG, NSW	DRAWN:	NT	DWG No.	52 QQ
DRAWING NAME:	3D PRESPECTIVES	SCALE:		QA:	RG



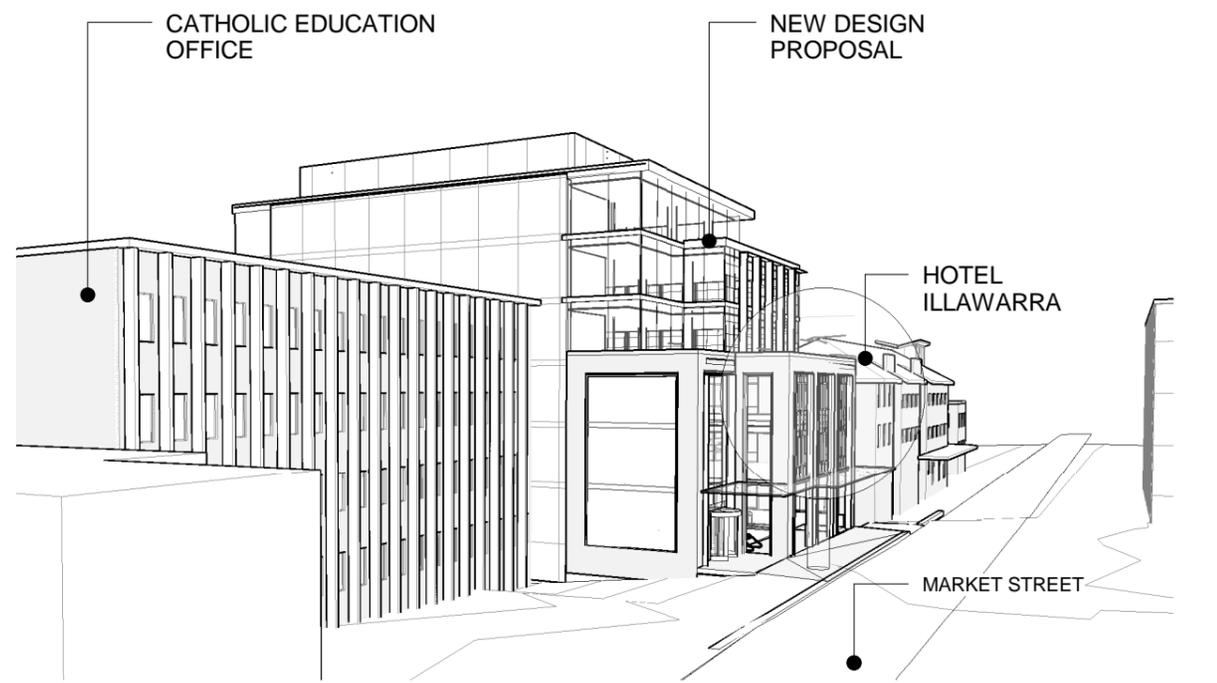
CORNER KEIRA ST AND MARKET ST



NEW DESIGN PROPOSAL



KEIRA STREET VIEW



MARKET STREET VIEW

DEVELOPMENT APPLICATION

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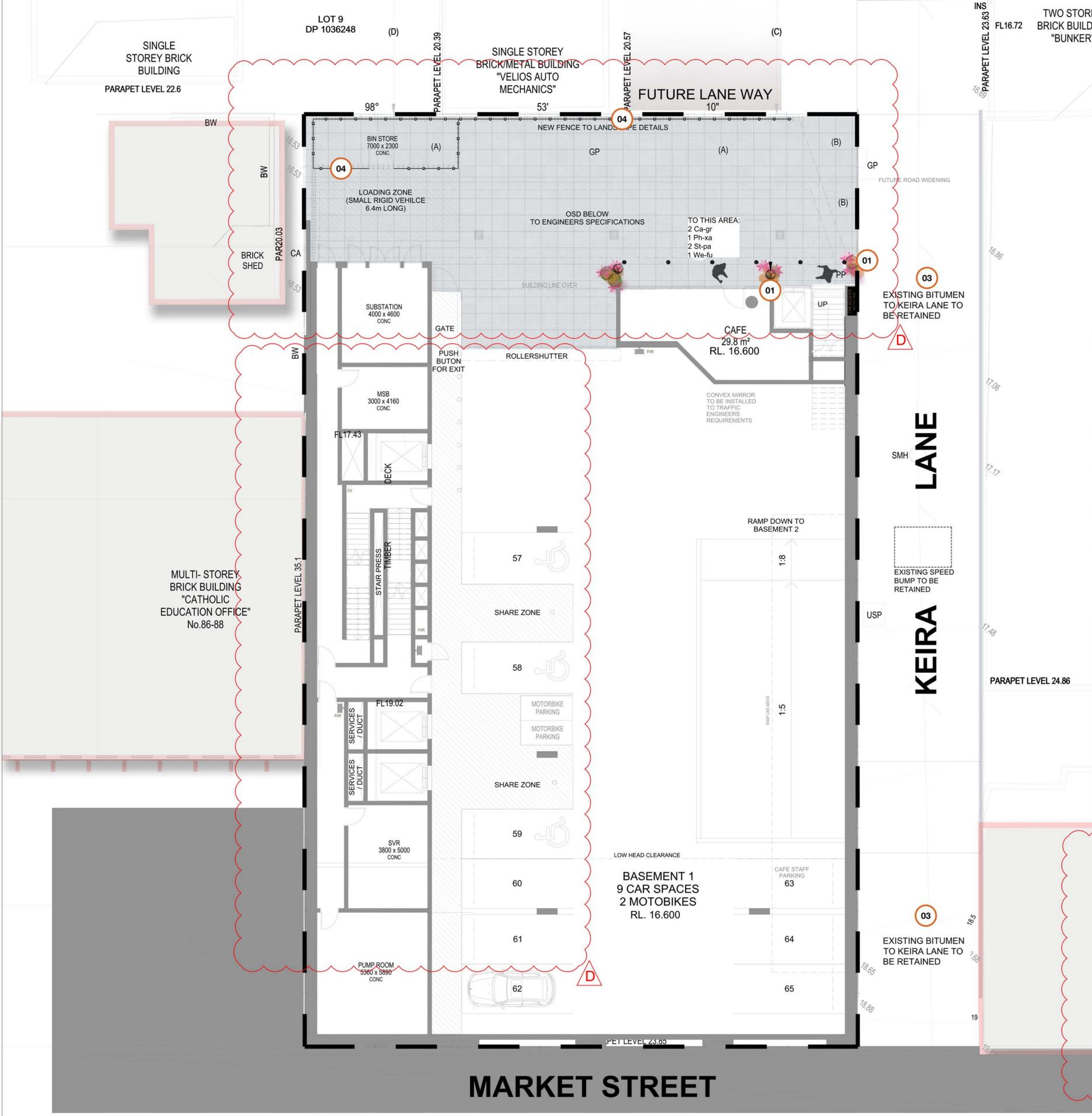
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 ADDRESS: 80-82 MARKET STREET, WOLLONGONG, NSW
 DRAWING NAME: 3D - PROPOSED CONTEXT PRESPECTIVES

DATE: FEB 2017
 DRAWN: NT
 SCALE:
 QA: RG

PROJECT No. 1591
 DWG No. 51 QQ

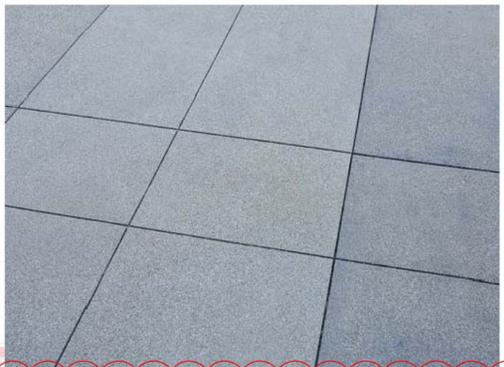


DESIGN NOTES

- 01 GRC PLANTER BOX
- 02 STAINLESS STEEL BIKE RACK
- 03 EXISTING KEIRA LANE PUBLIC DOMAIN TO BE RETAINED
- 04 PROPOSED INNOWOOD SCREEN FIXING



PROPOSED FENCE TO SITE BOUNDARY AND BIN STORAGE AREA



PROPOSED SAW CUT CONCRETE PAVING

PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	HEIGHT (m)	SIZE	QTY
SHRUBS					
Rh-ex	<i>Rhapis excelsa</i>	bamboo palm	1.5m	200mm	6
Ca-gr	<i>Callistemon "Great Balls of Fire"</i>	Great Balls of Fire	1.8m	200mm	8
Ph-xa	<i>Philodendron "Xanadu"</i>	Xanadu	0.75	200mm	9
St-pa	<i>Strelitzia parvifolia</i>	Spoon leaved strelitzia	2m	200mm	10
We-lu	<i>Westringia fruticosa</i>	Coast Rosemary	1.5m	200mm	16
GROUNDCOVERS					
Tr-ja	<i>Trachelospermum jasminoides</i>	Star Jasmine	0.3m	150mm	12
Ca-gl	<i>Carpobrotus glaucescens</i>	Pigface	0.15m	150mm	4

NOTE:
* Plant quantities on planting plan take precedence over quantities identified in this schedule.

NOTES:
1. Figured dimensions shall be taken in preference to scaling.
2. The contractor shall check all dimensions on site before commencing work.

KEY PLAN:

LEGEND

- SITE BOUNDARY
- PROPOSED FENCE
- EXISTING STREET TREE TO BE RETAINED
- PROPOSED SHRUBS
- PROPOSED GROUNDCOVER
- PROPOSED CONCRETE PAVING WITH LINE PATTERN

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PROJECT:
80-82 Market Street, Wollongong

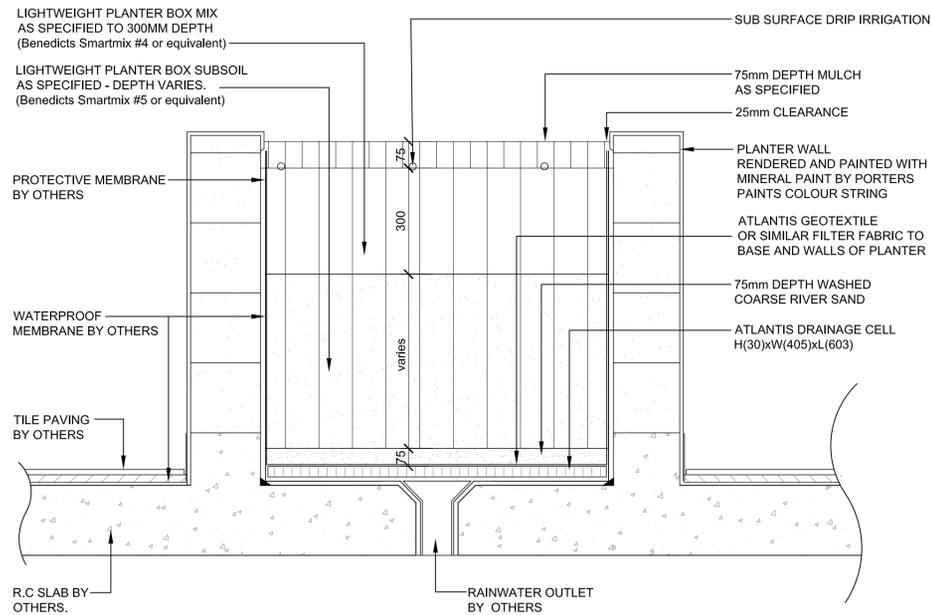
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BASEMENT LANDSCAPE PLAN & PLANTING PLAN

CLIENT:
DESIGN WORKSHOP

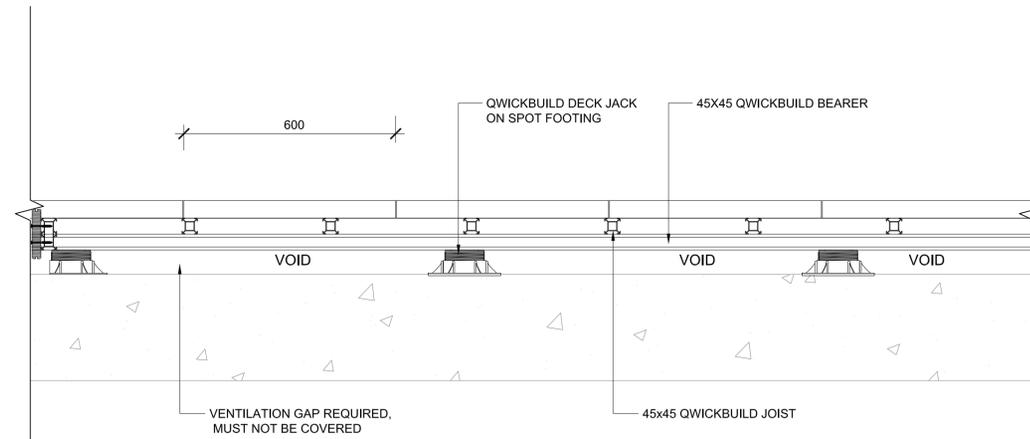
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DRAWN: DA
CHECKED: CK
JOB NO: 18-052
DESIGNED: LL

DRAWING NO: LA01
REVISION: D

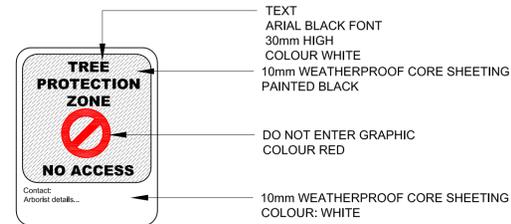
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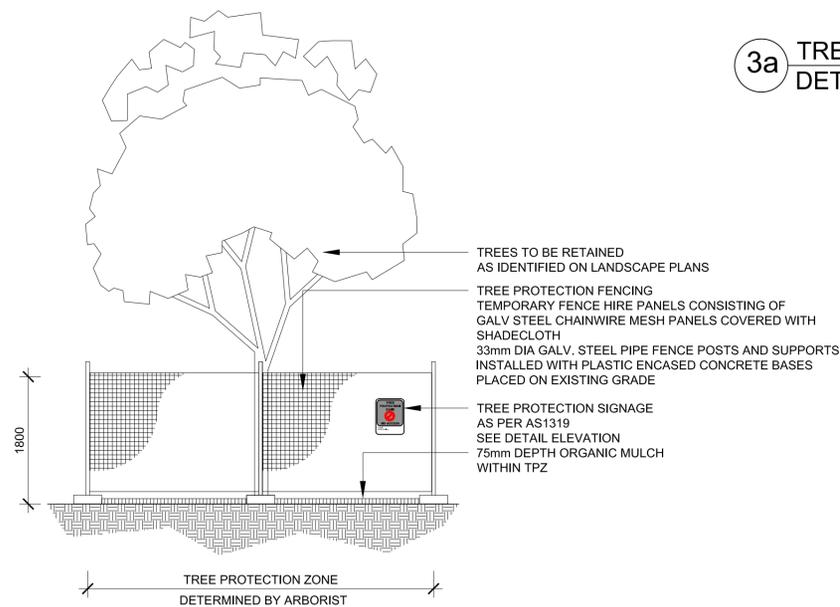
1 RAISED PLANTER BOX
TYPICAL SECTION 1:10



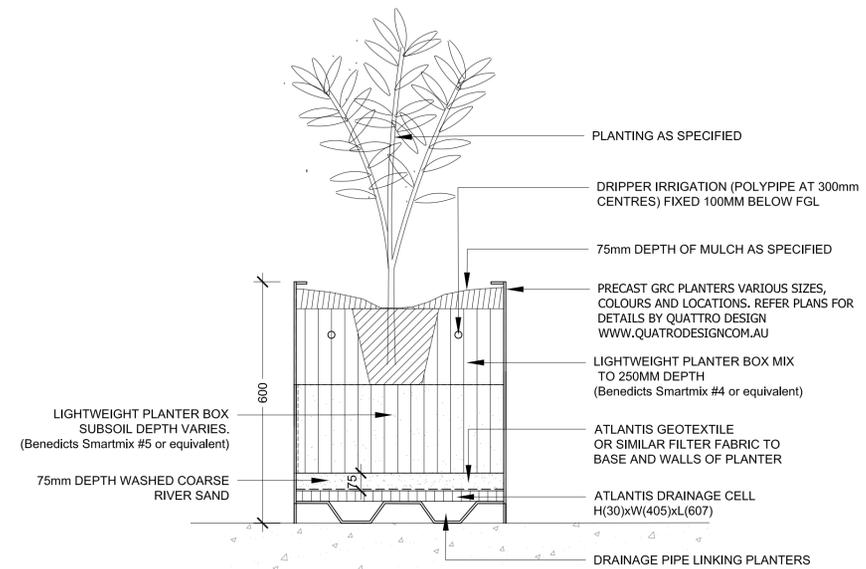
2 UNIT PAVING ON SLAB
TYPICAL SECTION 1:10



3a TREE PROTECTION FENCE SIGNAGE
DETAIL ELEVATION 1:10



3 TREE PROTECTION
SCALE 1:50



4 GRC TROUGH PLANTER ON SLAB
TYPICAL SECTION 1:10

NOTES:
1. Figured dimensions shall be taken in preference to scaling.
2. The contractor shall check all dimensions on site before commencing work.

KEY PLAN:

C	FOR DEVELOPMENT APPLICATION	13.12.2018
B	PRELIMINARY GRANT FOR COOPERATION	04.12.2018
A	PRELIMINARY GRANT FOR COOPERATION	30.11.2018
ISSUE	DESCRIPTION	DATE

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PROJECT:
80-82 Market Street, Wollongong

DRAWING TITLE:
LANDSCAPE DETAIL

CLIENT:
DESIGN WORKSHOP

SCALE: N/A CHECKED: CK DRAWING NO: REVISION:
DATE: 30/11/2018 JOB NO: 18-082a LD01 C
DRAWN: LL DESIGNED: LL

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DP 1036248

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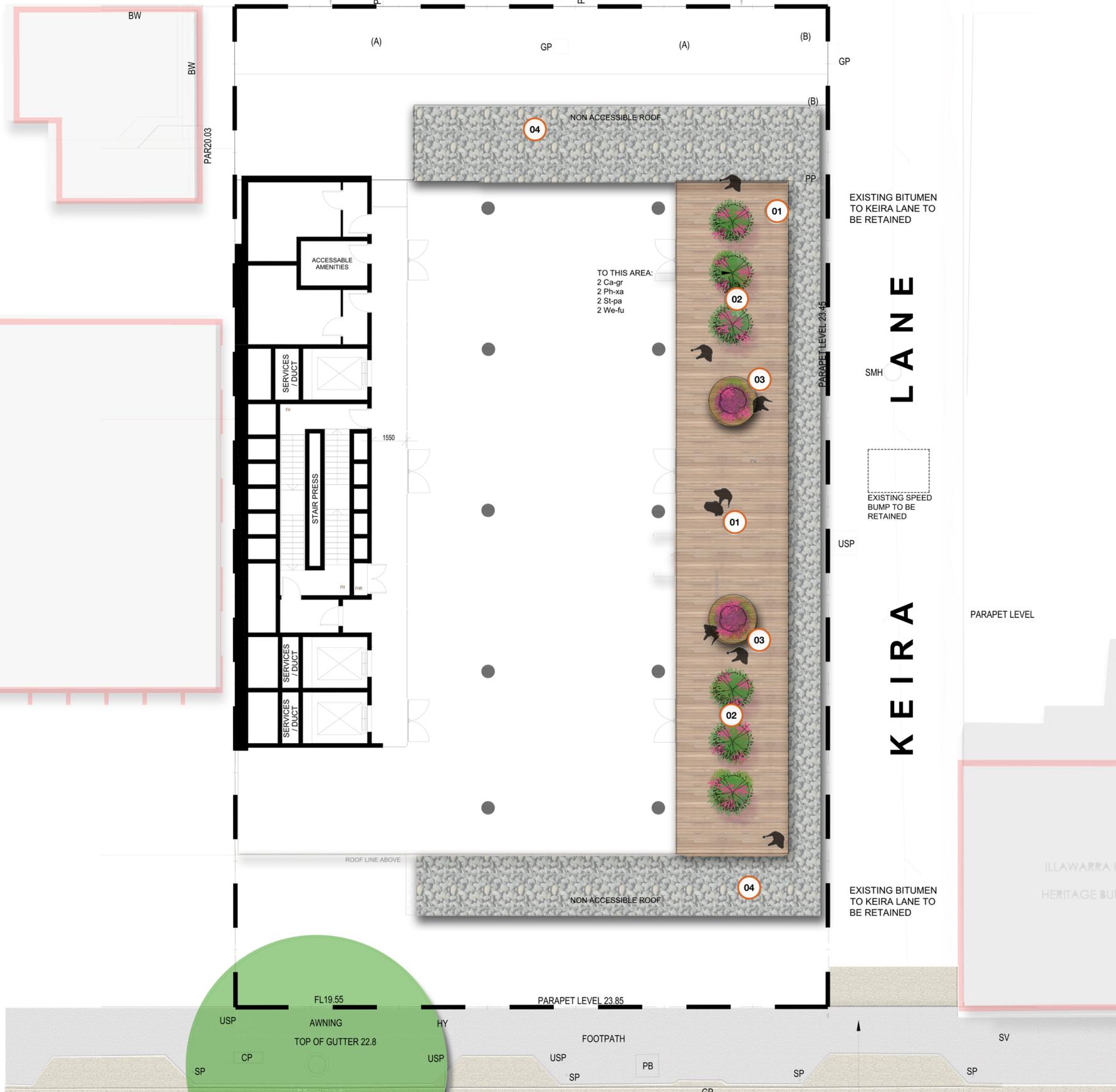
(C)

FL10.72

PARAPET LEVEL 20.39

PARAPET LEVEL 20.57

PARAPET LEVEL 21



NOTES:
 1. Figured dimensions shall be taken in preference to scaling.
 2. The contractor shall check all dimensions on site before commencing work.

KEY PLAN:

LEGEND

- SITE BOUNDARY
- EXISTING STREET TREE TO BE RETAINED
- PROPOSED SHRUBS
- PROPOSED GROUNDCOVER
- PROPOSED TIMBER DECKING
- PROPOSED MULCH TO NON ACCESSIBLE ROOF

DESIGN NOTES

- 01 TIMBER DECKING
- 02 OVERSIZE POTS FOR TREE PLANTING
- 03 INTEGRATED SOUL SEAT WITH TIMBER CLADDING AND PLANTING
- 04 PEBBLE TO BUILDING EDGE

DESIGN CHARACTER



INTEGRATED SOUL SEAT WITH TIMBER CLADDING AND PLANTING



FEATURE PEBBLE TO BUILDING EDGE

KEIRA LANE

PARAPET LEVEL

EXISTING BITUMEN TO KEIRA LANE TO BE RETAINED

EXISTING SPEED BUMP TO BE RETAINED

EXISTING BITUMEN TO KEIRA LANE TO BE RETAINED

EXISTING FOOTPATH TO MARKET STREET TO BE RETAINED

ILLAWARRA HOTEL HERITAGE BUILDING

LEVEL 5
 LANDSCAPE PLAN & PLANTING PLAN

C	FOR DEVELOPMENT APPLICATION	13.12.2018
B	PRELIMINARY DRAFT FOR COORDINATION	04.12.2018
A	PRELIMINARY DRAFT FOR COORDINATION	30.11.2018
ISSUE	DESCRIPTION	DATE

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PROJECT:
 80-82 Market Street, Wollongong

DRAWING TITLE:
 LEVEL 5 LANDSCAPE PLAN & PLANTING PLAN

CLIENT:
 DESIGN WORKSHOP



SCALE: 1:100 A1 CHECKED: OK DRAWING NO: REVISION:
 DATE: 30/11/2018 JOB NO: 19-0525 LA03 C
 DRAWN: LL DESIGNED: LL

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Attachment 3 Wollongong DCP 2009 assessment

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

The proposal is considered to be consistent with the principles of Ecologically Sustainable Development and is anticipated to achieve a 4 star Green Star or NABHERS rating subject to a BCA Section J Assessment.

CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

The development is located in a business zone and as such this chapter is applicable to the development. An assessment against the relevant sections is outlined below.

2 Objectives

The development is considered consistent with the objectives of development in business zones.

3. Retail and business centre hierarchy strategy

The development is not contrary to any of the objectives of retail and business centre hierarchy strategy as they relate to the Wollongong City Centre.

4 Economic impact assessment – retail hierarchy

The building may provide some retail space however this is likely to be at ground floor level only. The requirements for an economic impact assessment as required under this part is not applicable.

5 Planning requirements for development in the regional city and major regional centres

5.1 Wollongong City Centre

1. The specific planning requirements for development upon any land within the Wollongong City Centre are contained in Part D (Locality Based/ Precinct Plan) of the DCP (Chapter 13).

9 General design requirements for retail and business premises developments

9.1 Objectives

(a) To ensure all new ground floor retail shops and business premises are designed to provide a uniform transition between the floor level of the premises and Council's footpath, in order to provide satisfactory access along the footpath and into retail and commercial office buildings for all people, including people with a disability.

Comment:

The ground floor of the building is at the same level as Market Street and satisfactory access is provided.

(b) To ensure all ground level premises have direct access to street and clear glazing, to encourage active street frontages.

Comment:

The ground level tenancy has and has direct access to the street and glazing on the front façade encourages an active streetscape.

(c) To set minimum floor to ceiling heights for new buildings, in order to maximise the flexibility in the future use of the ground floor and first floor levels in the building.

Comment:

Floor to ceiling heights provided are 3.45m which satisfies the provisions of this chapter.

(d) To encourage larger retail or commercial office floor space not requiring direct connection to the street to be 'wrapped' by smaller retail shops or commercial offices to avoid blank walls and encourage active street frontages.

Comment:

Active street frontage is provided to Market Street. A Colonnade along the Keira Lane frontage, although not at the level of the street, is considered to provide an appropriate and safer alternative for pedestrians and the café at the rear of the building activates the rear laneway which will be further opened up as future development occurs.

(e) To ensure security grilles are transparent and fitted retail shopfronts only, in order to encourage active street frontages at night-time.

Comment:

Not applicable. Future uses will be subject to development approvals which will control the design of shopfronts.

(f) To ensure new retail or business premise buildings are consistent with the predominant built form character of the locality, in terms of built form and external appearance.

Comment:

The external appearance of the building has been assessed, particularly having regard to its proximity to an adjacent heritage item, by Council's heritage officer and prior to lodgement the design was informed by comments provided by Council's Design Review Panel.

(g) To ensure new buildings maintain the balance of horizontal and vertical proportions of other existing buildings in the locality.

Comment:

The design is satisfactory in relation to its horizontal and vertical proportions.

(h) To ensure the street corners of any new corner building are strengthened by massing and building articulation to both street frontages.

Comment:

The proximity of the building to the adjacent Illawarra Hotel negates the requirement to provide a strengthened massing at the corner of Market Street and Keira Lane.

(i) To ensure all new retail, business or mixed use buildings provide a continuous awning along the full length of the building's street frontage, in order to provide all weather protection for pedestrians.

Comment:

A full length awning is provided along the Market Street frontage.

(j) To provide pedestrian amenity and provide a 'unique' streetscape character for each business centre.

Comment:

Appropriate pedestrian amenity is provided.

(k) To provide innovative roof elements and parapet walls which positively contribute to the overall design of the proposed building and the streetscape of the immediate locality.

Comment:

The roof design is considered appropriate.

(l) To ensure all new retail and business developments are designed to minimise potential overshadowing impacts and maximise solar access opportunities to any adjoining residential properties and the public domain (public reserves and / or footpaths) in the locality.

Comment:

There are no adverse overshadowing impacts associated with the proposal.

9.2 Development Controls

9.2.1 Floor Configuration

1. The ground floor of developments is to be set at a level determined with reference to existing/required footpath levels in order to provide for an even transition between the building and the footpath and provide cross fall grades on footpaths that meet Council's standards.

Comment:

Ground floor levels have been assessed and found satisfactory by Council's Development Engineer.

2. Any retail premises of less than 200m² in gross floor area should generally have a depth to width ratio ranging between 1:1 and a maximum 3:1.

Comment:

No retail tenancies are proposed, although future use of ground floor tenancies could include retail uses. The proposed configuration of ground floor tenancies do not exceed a 3:1 depth to width ratio.

3. The maximum building depth for any ground floor retail or commercial office development shall be 20 metres with openings on one side only. The maximum building depth for any retail or office building with openings on two or more side is 30 metres. Shopping centre developments may vary from this control.

Comment:

Complies.

4. Any residential storeys in a building shall have a maximum building depth of 18 metres.

Comment:

Not applicable as no residential component.

5. The floor to ceiling height of the ground floor development in a B1 or B3 zone shall be a minimum 3.3 metres, in order to allow flexibility in retail and / or other business tenancies in the future.

Comment:

6. In the B4 Mixed zone, the ground floor and first floor levels in a building shall incorporate a

minimum 3.3 metre floor to ceiling height clearance, to maximise the flexibility in the future use of the building.

Comment:

Ground floor ceiling height is 3.75m.

7. The floor to ceiling height requirements for ground and first floor levels of a development situated upon land within the B3 Commercial Core zone of the Wollongong City Centre, are specified in clause 2.6.2 in Chapter D13 Wollongong City Centre to this DCP.

Comment:

Whilst floor to ceiling heights (Minimum floor to ceiling heights are 3.3 metres for commercial office in the B3 Commercial Core zone) are only specified in relation to mixed use buildings, the provided floor to ceiling heights are compliant with this provision.

8. Large retail or commercial office floor space not requiring continuous and direct connection to the street (e.g. supermarkets) should be 'wrapped' by smaller retail shops or commercial offices to avoid blank walls and encourage active street frontages.

Comment:

Not applicable.

9. The retail frontage at street level for individual retail shops / units should match the existing traditional retail shop pattern for the specific retail and business centre.

Comment:

Not applicable.

10. Where sites are amalgamated, the design of any new building should express the existing or prevalent lot structure in the immediate locality.

Comment:

It is proposed to amalgamate two lots. The resultant lot is consistent with the adjacent lot structure in Market Street, particularly the adjacent development at 86 Market Street and the Illawarra Hotel which fronts Keira Street.

9.2.2 Building Appearance

1. New retail or business development shall continue the predominant built form character of the locality, including parapets, floor to ceiling heights and roof pitches.

Comment:

Development form is considered appropriate in the context of the site.

2. For large buildings including multi-storey mixed use buildings, the treatment of the facades should be designed to provide character, visual legibility and human scale and to delineate the distinct uses.

Comment:

The façade treatment has been considered satisfactory by the Design Review Panel and by Council's Heritage officer in relation to the adjacent heritage item.

3. Facades facing each street or lane should be composed as at least three distinct layers. In this respect:
 - (a) The “base” of each building includes the ground floor and may also include the second and third storey above street level.
 - (b) The “middle” of each building should accommodate at least one level, but not the uppermost storey.
 - (c) The “top” of each building should accommodate the upper-most storey and the roof.

Comment:

Design is considered satisfactory in this regard.

4. New buildings should also maintain the balance of horizontal and vertical proportions of other existing buildings in the locality.

Comment:

Proportions of the building are considered satisfactory.

5. The street corners of any new corner building should be strengthened by massing and building articulation to both street frontages. In this regard, Council may permit a variation to the height limits contained in this DCP (but no greater than the building height limit in the LEP) by permitting an additional 1 – 2 storeys for the corner element of a building where in the opinion of Council a strong corner element is necessary for the building. Any such variation to the height limit will only be supported by Council in circumstances where in the opinion of Council, the proposed development will exhibit design excellence through the provision a strong corner element in the proposed building.

Comment:

The building is located on the corner of Market Street and Keira Laneway. This is not a major corner and an increased building height on the corner is not considered appropriate as it would dominate the adjacent Illawarra Hotel.

6. The profile of parapets and roof top elements should be integrated in the overall roof design of the building.

Comment:

Design of roof is appropriate.

7. The angle of any pitched roof shall be compatible with existing development.

Comment:

Not applicable.

8. Any development involving the re-use of existing buildings should reinstate any missing façade elements or other decorative details, wherever practicable.

Comment:

Not applicable.

9. The external building materials and finishes of any retail or business development should be sympathetic to the existing fabric and character of buildings within that retail and business precinct.

Comment:

Material choice is considered appropriate particularly in the context of the adjacent heritage item.

10. Highly reflective finishes, reflective glass and curtain wall glazing are not permitted above ground floor level.

Comment:

No reflective glass is proposed.

11. The reflectivity of glazing shall be restricted to less than 20%. A reflectivity diagram may be required where in the opinion of Council has the potential to pose future glare impacts upon pedestrians within public domain areas or motorists travelling past the site.

Comment:

Not applicable.

12. All Development Applications for new buildings or external alterations and additions to existing premises in these centres must be accompanied by a schedule of proposed external building materials and finishes (colours) board which shows the proposed building materials and finishes (colours) to be used on the external facades of the building. An A4 sized photograph of the schedule of external building materials and finishes (colours) board is also required.

Comment:

A schedule of proposed external building materials and finishes (colours) was provided.

9.2.3 Building Alignment

1. The design of corner buildings should reflect the geometry of the road, topographical conditions of the immediate locality and sight lines.

Comment:

Design is appropriate in relation to its location on the corner of a laneway.

2. Buildings should be aligned with footpaths to create spatial enclosure and a sense of place.

Comment:

Satisfactory.

3. Buildings shall be designed for retail or business uses only at the ground floor of a building. Residential uses are not permitted on the ground floor of any land within a retail or business centre with the exception of access areas for residential uses on upper levels of a building.

Comment:

Ground floor is designed for office use.

9.2.4 Active Street Frontages

1. All new retail, business or mixed use buildings are required to provide ground level active street frontages.

Comment:

Street and laneway frontages are activated.

2. Buildings should contain no more than 5 metres of ground floor wall without a door or window. Windows should make up at least 50% of the ground floor front wall.

Comment:

Complies.

3. Buildings with frontages to retail streets are to contribute to the liveliness and vitality of those streets by:
- (a) Providing product retailing and / or food and drink premises within all enclosed shop fronts;
 - (b) Minimising the extent and visual impact of building entrances, office lobbies, foyers, vehicle entrances and other entries not associated with retail, service areas and fire escapes;
 - (c) Locating activities that may involve queuing (e.g. automatic teller machines) behind building frontages so that footpaths remain free for pedestrian movement; and
 - (d) Providing a high standard of finish to retail shopfronts.

Comment:

Complies.

4. All street frontage windows at ground level are to have clear glazing.

Comment:

Complies.

5. Display windows with clear glazing to ground floor retail and business premises are required with a maximum window sill height of 0.7 metres above finished ground level.

Windows fronting Market Street do not provide 0.7m sill height however they are setback from the Market Street footpath and within a colonnade with thin the building. Considered satisfactory.

6. Security grilles are to be fitted only within the retail shopfront. Such grilles are to be transparent and not of any roller door type.

Comment:

No retail proposed.

9.2.5 Urban Design / Streetscape Appearance

1. The siting, form, height and external appearance of any retail or business premise development should be sympathetic with adjoining buildings in the surrounding retail and business precinct in addition to any abutting or nearby residential dwellings.

Comment:

Complies.

2. The parapet height of any retail or business premises building must be consistent with the parapet height of the surrounding streetscape of the locality.

Comment:

Complies.

3. Any retail or business premises (commercial office) building should feature highly articulated facades, particularly any facades facing road frontages and any abutting residential area, in order to add visual interest to the building.

Comment:

An appropriate degree of articulation is provided.

4. The horizontal form of any building should also be broken up vertically, in order to provide visual relief and interest to the development. The horizontal and vertical emphasis is especially critical for the middle and upper levels of a building.

Comment:

Complies.

5. Any retail or commercial office building must be designed to provide active street frontages on the ground floor level of the building to all street frontages and in some cases, Council may require appropriate pedestrian thoroughfare links.

Comment:

Complies. Pedestrian linkage to rear of site is provided via a colonnade adjacent to Keira Lane but separated from vehicular traffic which provides for pedestrian safety.

6. External walls should be constructed of high quality and durable materials and finishes with low maintenance costs.

Comment:

Complies.

7. Highly reflective finishes are not permitted above ground floor level.

Comment:

Reflective glazing not proposed.

8. An external materials and finishes board and accompanying A4 sized photograph of the external materials and finishes board must be submitted with the Development Application.

Comment:

Schedule of materials and colours provided and considered appropriate.

9.2.6 Pedestrian Access

1. Pedestrian through-site routes must be direct without any concealment opportunities and designed to provide clear sightlines from one end to the other.

2. Pedestrian through-site links should be a minimum of 3 metres in width and activated by retail, civic and /or commercial office land uses, wherever possible.

Comment:

Complies.

3. The pedestrian through-site links should also be well lit at night-time and publicly accessible at least between 7.00 am to 7.00 pm daily with preference for 24 hour public access. Any such pedestrian link should be designed to provide satisfactory access for all patrons, including patrons using wheelchairs or patrons using strollers for young children.

Comment:

To be conditioned.

4. Direct pedestrian access and visual inspection should be provided from the front of the building, to encourage active street frontage to retail shops and business premises.

9.2.7 Awnings

1. Buildings with frontage to any street must incorporate an awning or colonnade (only in areas where existing buildings have colonnades) along the full length of the building's street frontage.

Comment:

Complies. Awning provided to Market Street.

2. All retail, business or mixed use buildings must provide a continuous awning along the full length of the building's street frontage, in order to provide all weather protection for pedestrians.

Comment:

Complies.

3. Awnings should be designed of a solid cantilevered / suspended steel box type section with a minimum soffit height of 3.2 metres, taking into account the grade of the road reserve (footway area).

Comment:

Complies.

4. Under awning lighting is required for the majority of retail and business centres in the LGA, except for the small village (local convenience) centres. The under awning lighting should either be recessed into the soffit of the awning or wall mounted on the building.

Comment:

To be conditioned.

5. Awnings shall also be designed to provide adequate shade and shelter for pedestrians.

Comment:

Complies.

6. All awnings shall be weather sealed to the face of the building to which they are attached.

Comment:

Complies.

7. Awnings shall be setback a minimum of 600 millimetres from the kerb line of the road carriageway.

Comment:

Complies.

9.2.8 Public Domain – Footpath Paving

1. Buildings, street furniture and landscaping are to contribute to the definition of the public/private interface and amenity of the locality.

2. Any large retail centre development may necessitate improvements to the adjoining public domain, particularly footpath areas connecting to the centre.

3. Street furniture and paving shall take into account the needs of people with a disability or decreased mobility and persons with young children and / or with a stroller.

4. Seating should be provided both internally within a shopping centre and externally within the public domain to provide patrons with places to rest or await other family or friends.

5. Pedestrian routes should be clear, safe and well lit to all pedestrians including people with a disability or decreased mobility and children.

6. Footpath paving treatment should be consistent with the relevant Public Domain Technical Manual for the relevant business centre at either Appendix 2 or Appendix 3 to this DCP.

Comment:

The above provisions have been considered and will be addressed in detail by a condition of consent requiring the submission of footpath design addressing the provisions of the Wollongong City Council Public Domain Technical Manual.

9.2.9 Solar access and overshadowing

1. All retail and business developments are to be designed so as to minimise overshadowing impacts and maximise solar access opportunities to any adjoining residential properties and the public domain (public reserves and / or footpaths) in the locality.

2. Solar access shall be maintained for any north facing window of a habitable room of any adjoining residential dwelling and at least 50% of the private courtyard area for a minimum 3 hour continuous period between 9.00 am and 3.00 pm for the 21st June winter solstice period.

3. The submission of shadow diagrams will be required for any new retail, business or mixed use building or any major alterations and additions to an existing retail or business building where in the opinion of Council, the development may pose potential overshadowing impacts upon any residential land use or public domain area. The shadow diagrams will be required for the 9.00 am, 12 noon and 3.00 pm 21 June winter solstice periods, as a minimum.

4. Additional hourly shadow diagrams between 9.00 am to 3.00 pm 21 June may be required where Council is uncertain as to the potential adverse overshadowing impacts upon surrounding properties and / or the public domain. Further, Council may also require additional shadow diagrams for the equinox periods where the overshadowing impact of a development requires further in-depth assessment.

Comment:

The proposal does not result in any adverse impacts from overshadowing.

9.2.10 Shower and Change Facilities & Parenting Facilities in Large Business Premises / Commercial Office Buildings

Not applicable. Only relevant to buildings with GFA in excess of 10,000m².

9.2.11 Advertising Signage

No signage proposed as part of the current application A separate development application will be required for any future signage on the building which will be assessed under SEE SEPP 64 and Chapter C1.

9.2.12 Wind Impact Assessment

The building is not of a height to warrant a wind impact assessment to be undertaken (35m).

9.2.13 Access, Car parking and Servicing

See Chapter E3

9.2.14 Access for People with a Disability

See Chapter E1

9.2.15 Land Consolidation

A condition of consent will require consolidation of the two subject lots in accordance with this clause.

13 Works in the public domain

1. Any development requiring works to be carried out within the public domain in the Wollongong City Centre will be subject to compliance with the requirements of the Wollongong City Centre Public Domain Technical Manual at Appendix 2 to this DCP and any other Council requirements.

Conditions of consent will be imposed accordingly.

CHAPTER D13 – WOLLONGONG CITY CENTRE

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.1 General</u> Objectives	The proposal is considered to meet the objectives of the controls as follows:	Yes
<u>2.2 Building to street alignment and street setbacks</u> 2. Buildings are to be built up to the street alignment to reinforce the urban character and improve pedestrian amenity and activity at street level. Above street frontage height, tall buildings are to be set back to provide for sunlight to streets, and daylight to pedestrian areas and lower levels of other buildings.	Ground level and levels 1 and 2 are built to the street alignment levels 4 and 5 are setback 4m and level 6 is setback 7m.	Yes
<u>2.3 Street frontage heights in commercial core</u> 1. 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.	Street height of 12m provided.	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.4 Building depth and bulk</u>		
Max floor plate 1,200m ² above 24m height	Max floor plate above 24m is 486m ²	Yes
Max building depth 25m	29.4m building depth however considered acceptable	No
All points on office floors to be no more than 10m from source of daylight of building less than 24m in height, otherwise 12.5m from window.	Substantial compliance.	Yes
<u>2.5 Side and rear building setbacks and building separation</u>		
Setbacks:	0m side setback to western boundary up to street frontage height (12m)	Yes
Side/Rear – Nil to street frontage height (SFH), 6m above SFH (non- habitable uses)	0m setback maintained on western boundary	No variation sought –
	8.1m minimum setback to rear boundary (future laneway) and 7.1m setback to substation at Basement 1 and ground level – complies.	
	At Level 1 and above rear setback reduces to 4.45m – variation of 1.55m. Given the site’s rear boundary adjoins a future laneway, this minor variation is considered acceptable.	
<u>2.9 Green roofs, green walls and planting on structures</u>	Landscape Plan provided to address Chapter E6	Yes

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.3 Active street frontages</u>		
a) In commercial and mixed use development, active street fronts are encouraged in the form of on residential uses on ground level.	Active street frontages provided	Yes
b) Active street fronts in the form of non-residential uses on ground level.	Commercial uses at street level	Yes
c) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	Accessible from Market Street	Yes

e) Restaurants, cafes and the like are to consider providing openable shop fronts.	Café opens to rear lane	Yes
g) Provide multiple entrances for large developments including an entrance on each street frontage.	Entrances from Market Street and rear lane	Yes
<u>3.4 Safety and security</u>		
CPTED principles.	CPTED principles adopted.	Yes
<u>3.5 Awnings</u>		
a) Continuous street frontage awnings are to be provided for all new developments.	Continuous awning provided in Market Street. Not considered appropriate to provide awning in Keira Lane (pedestrian access to rear of site is available via internal colonnade)	Yes
b) Awning design must match building facades and be complementary to those of adjoining buildings.		
c) Wrap awnings around corners for a minimum six metres from where a building is sited on a street corner.		
<u>3.6 Vehicular footpath crossings</u>		
Minimise crossings	The only driveway access is via rear lane	Yes
<u>3.8 Building exteriors</u>		
Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes	Appropriate materials and architectural treatment provided to ensure high quality presentation to the street.	Yes
<u>3.9 Advertising and signage</u>		
N/A	No signage proposed	N/A
<u>3.10 Views and view corridors</u>		
N/A	No impact on any view corridors.	Yes

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.3 Vehicular driveways and manoeuvring areas</u>		
a) Driveways should be: i) Provided from lanes and secondary streets rather than the primary street, wherever practical.	Driveway location at rear of site and accessed off Keira Lane. No vehicular access provided from Market Street. Location and configuration of driveways, gradients and	Yes

ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.

iii) Located a minimum of 6 metres from the perpendicular of any intersection of any two roads.

iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.

b) Vehicle access is to be designed to:

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

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

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

d) Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a s138 Roads Act approval.

e) Driveway widths must comply with the relevant Australian Standards.

f) Car space dimensions must comply with the relevant Australian Standards.

g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2990.1).

h) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths and design must be in accordance with AS 2890.1.

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

j) For residential development in the General Residential zone, use semi-pervious materials for all

manoeuvring areas have been assessed by Council's traffic engineer and considered satisfactory.

uncovered parts of driveways/spaces to provide for some stormwater infiltration.

4.4 On-site parking

- a) On-site parking must meet the relevant Australian Standard (AS2890.1 2004 – Parking facilities, or as amended).
- b) Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.
- c) Car parking and associated internal manoeuvring areas which are surplus to Council’s specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.
- d) Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.
- e) On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.
- f) To accommodate people with disabilities, provide a minimum of 1% of the required parking spaces, or minimum of 1 space per development, (whichever is the greater) as an appropriately designated and signed disabled parking space.

Car parking has been provided to meet the requirements of Council. Appropriate conditions of consent are recommended to ensure compliance with appropriate Australian standards.

Council’s traffic engineer has provided a satisfactory referral in terms of traffic and parking related issues.

Yes

4.5 Site facilities and services

The building is serviced by the major utilities and the proposal is not expected to result in any need to augment these services.

Yes

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
5.2 Energy efficiency and conservation	The proposal is not expected to result in significant energy consumption and the applicant has	Yes

<u>5.3 Water conservation</u>	indicated that a 4 Star Green Star or NABHERS rating is anticipated.	
	The proposal is not expected to result in significant water consumption and there are no particular opportunities to require water saving measures under this DA other than to require new water fixtures (shower heads, taps, toilets, urinals etc.) to be 3 stars or better rated. This is to be a condition of consent.	Yes
<u>5.4 Reflectivity</u>	No reflective glazing is proposed.	Yes
<u>5.5 Wind mitigation</u>	Building height does not warrant submission of a wind effects report.	Yes
<u>5.6 Waste and recycling</u>	Appropriate waste storage and servicing is provided.	Yes

7 Planning controls for special areas

The site is not located within a special area.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

- The proposal provides satisfactory access provisions for people with a disability. An access report prepared by Accessible Building Solutions dated 20 December 2018 was submitted with the DA. The report confirms that the proposal will comply with all relevant legislation in relation to access for people with a disability.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Conditions of consent recommended.	Can comply
<u>3.2 Natural surveillance and sightlines</u>	Appropriate sightlines and natural surveillance is provided.	Yes
<u>3.3 Signage</u>	No signage proposed under the current DA.	N/A

<u>3.4 Building design</u>	Building design is considered satisfactory in terms of safety issues.	Yes
<u>3.5 Landscaping</u>	Appropriate landscaping provided.	Yes
<u>3.6 Public open space and parks.</u>	Not applicable	N/A
<u>3.7 Community facilities and public amenities</u>	Not applicable	N/A
<u>3.8 Bus stops and taxi ranks</u>	Not applicable	N/A

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

6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was submitted with the proposal which was reviewed by Council's Traffic Engineer. Concerns were initially raised in respect of the space and head height provided for servicing vehicles. This was conveyed to the applicant who provided amended plans showing a headroom of 3.6m along all SRV paths. The applicant has nominated a waste collection vehicle that can operate within the provide headroom. This has been considered acceptable to the Traffic Engineer who has provided appropriate conditions of consent in relation to parking, access and servicing.

Provision has been made for:

- 65 Car spaces (including 3 spaces for people with a disability)
- Motor Cycles
- 20 secure (Class B) bicycle spaces and 7 visitor (Class C) bicycle spaces

This is in accordance with requirements of Chapter E3.

CHAPTER E6: LANDSCAPING

Council's landscape Officer has reviewed the streetscape and landscape plans for the proposal and has found them satisfactory in principle. It was noted however that the building design did not accommodate the canopy of the existing Plane Tree. The design was not supported due to the need to retain the street tree. Amended plans were subsequently submitted which amended the front façade to enable the street tree to be retained. Council's Landscape architect has accepted the revised design and has provided a satisfactory referral.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

The proposal involves demolition of two brick buildings fronting Market Street and various met sheds located at the rear of the site. A demolition plan has accordingly been provided.

Suitable waste storage and servicing arrangements have been provided.

CHAPTER E9 HOARDINGS AND CRANES

Conditions of consent will be imposed to ensure compliance with Council's requirements for hoarding and cranes in addition to relevant Australian Standards.

CHAPTER E11 HERITAGE CONSERVATION

Council's Heritage Co-ordinator has reviewed the proposal considering the proximity of the site to the Illawarra Hotel located at 160-164 Keira Street (Corner Market Street) (Heritage Item No. 6380). After initial concerns regarding some aspects of the detailing of the facades, amended plans were submitted. A further review by Council's Heritage officer has resulted in a referral that has noted the significant improvements in the design, while stating a preference for levels 4 and 5 to have an increased setback from Keira Lane. It is noted that the proposed street frontage height is compliant.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E14 STORMWATER MANAGEMENT

An appropriate stormwater design has been provided and Council's stormwater engineer has provided a satisfactory referral.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Council's Landscape Officer has accepted the landscape plan submitted with the application. Concerns were initially expressed in relation to impacts of the development on the London Plane tree located within the Market Street footpath. This tree was identified at Pre-lodgement stage as requiring retention having regard to its value to the streetscape. The application shows the tree to be retained but this would require significant pruning potential to the detriment of the trees ability to survive. The matter was raised with the applicant who has amended the plans to ensure the ongoing health/vitality of the street tree.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The site will be excavated to provide basement car parking. Appropriate conditions of consent will be imposed.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Appropriate conditions of consent will be imposed to ensure relevant safety standards are complied with during demolition of the existing buildings on the site.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

Attachment 4

**Wollongong Design Review Panel
Meeting minutes and recommendations DE-2018/80**

Time & date	26 June 2018
Meeting location	Wollongong City Council Administration offices
Panel members	David Jarvis Brendan Randles Sue Hobley
Apologies	Nil
Council staff	Pier Panozzo, Manager City Centre & Major Development Brad Harris, Senior Development Project Officer
Guests/ representatives of the applicant	Robert Gizzi – Design Workshop Australia Luke Rollinson - MMJ Wollongong Nathan Tyerman – Design Workshop Australia Sash Krstovski – Kresbo John Bojkovski -Kresbo
Declarations of Interest	Nil
Item number	3
DA number	DE-2018/80
Reasons for consideration by DRP	Voluntary DRP - panel advice Development adjacent to Heritage Item – Illawarra Hotel Clause 7.18 WLEP 2009
Determination pathway	Delegation unless triggered by Local Planning Panels Direction of 1 March 2018.
Property address	80 Market Street Wollongong
Proposal	Commercial Building – Five (5) storeys above three (3) levels of basement parking
Applicant or applicant's representative address to the design review panel	
Background	The site was inspected by the Panel 26 June 2018
Design quality principals	
Context and Neighbourhood Character	<p>Council's controls seek to develop this street into a continuous street wall (between the height of 12 to 24m). However, the unique context of this site must also be accommodated by an appropriate design response.</p> <p>To the east of the site, a lane way separates the subject site from a three storey heritage listed Hotel. A future lane way is also proposed adjacent to the site's rear (northern) boundary to provide service access to the buildings fronting Market Street.</p> <p>A modernist office building is located on the neighbouring site to the west. This building is set back significantly from the street, breaking the street wall intended by council's control. As this building is on the market, it is anticipated that this site will be redeveloped to its full potential.</p> <p>A successful design for this site must respond to this context as well as connecting to the future street wall on the adjoining site to the east as driven by council's controls. Contextual studies should be developed that demonstrate how the proposal relates to potential future built form to the west.</p>

Built Form and Scale

The applicant provided 3 options for the layout of the building. Two of these options located the core on the lane, which creates unworkably deep commercial spaces due to insufficient light in the centre of the plan. Therefore, Option 3 with the best quality office space and potential to activate the lane was unanimously identified as the preferred design strategy for the site. Comments provided by the panel are therefore focused solely upon option 3.

Basement level 1 should be reconfigured to locate the café on the corner of Kiera Lane. Consideration should also be given to providing a single point of vehicular entry. By locating the basement ramp deeper inside the building, vehicles may be able to enter the level 1 basement then turn down into the level 2 basement. Alternatively two single ramps could be located to the west. This would significantly reduce vehicular space, allowing the north east corner of the site to be dedicated to a feasibly sized café.

The entry forecourt proposed significantly reduces active street frontage, unnecessarily complicates built form and does not create an amenable entry space. The area allocated to this entry forecourt may be better allocated to a continuous covered walkway or colonnade along Keira Lane. However, if this were to be proposed, detail resolution of this space must be carefully considered to ensure that unsafe areas of concealment are not created.

The frontage of the building may be better street aligned, perhaps incorporating a set-back colonnade space of one or two storeys. With the core on the western side of the building, it would be logical to provide a large lobby on that side of the building, appropriately expressed on the façade; this would allow the ground floor office space – or retail space - to move to the frontage and have direct access from the street.

The level five office space should be amended to create a large north facing terrace; the front facing terrace should align with the DCP's 4m setback requirements. The service area currently located on the northern terrace should be relocated at roof level, above the western services and circulation area.

The Panel understands the applicant's rationale of aligning the brick base of the building to the eaves of the neighbouring heritage building. However, when this datum is applied to a modern six storey building, it results in an awkwardly proportioned form. A better proportioned building could be achieved by consistently expressing the first four levels of the building as a brick base around the perimeter of the building. The upper two levels – setback 4m from the street frontage could be clad in a different material, such as metal, profiled to gain light. The current proposal also provides a two storey high base on the western edge of its street frontage. This is not consistent with the 12 to 24m high street wall required by council controls. The scale and form of the western edge of the building should accommodate the future built form to the west as determined by council controls. As outlined above, a four storey envelope with two additional stories setback 4m, could provide an appropriate scale for the base of the building.

	<p>The existing building to the west has a significant set back from the street, which will result in the western boundary wall of the proposal being exposed for what may be a significant period of time. To resolve the western façade, the four storey brick base could be continued around the exposed section of the western façade.</p> <p>Alternatively, the building could be modelled in a deco manner, such as the building on the north east corner of the nearby intersection with Keira Street. To emphasize the entry of the building for example, a full height bay could be contrasted with the four storey datum; enhanced with brick pilasters as per the proponent's reference photographs. This alternative would need resolution with the current and future western context to ensure that additional scale at the street frontage is not overwhelming, especially along the western edge, which is currently exposed.</p> <p>The Panel is of the opinion that the separation provided by the lane, the utilization of brick as a material (referencing the heritage building) and/or a subtle reference to the modernist language of adjacent buildings are sufficient to create an appropriate and respectful relationship with the heritage building (see Council comments).</p>
Density	<p>The proposal appears to comply with the Council's density controls and does not appear to create an over development of the site. However, further refinements of the built form are recommended to accommodate this mass in a more appropriate manner.</p>
Sustainability	<p>A rainwater tank should be provided to service the podium planting. Species selection for any plantings should aim to support council's commitment to maintaining local biodiversity and natural landscapes, and preventing future weed problems.</p> <p>Consideration should be given to controlled solar access to the large areas of glazing proposed. Facades should be developed in detail and tested to ensure that each façade responds appropriately to its orientation.</p> <p>Materials should be selected on the basis of preferring local sources and specifying durable materials and finishes that will cope with the coastal conditions and not date rapidly in terms of fashion.</p>
Landscape	<p>No provision is made for deep soil planting or street trees. Whilst not ideal, the urban context of the site, its corner location and its small dimensions justify this approach.</p> <p>The plan provides for a small outdoor terrace on level 3 and a roof garden but insufficient detail is provided for an assessment of their design details. The terraces need to be well positioned in terms of aspect and access and they need to be well designed to ensure they are attractive, functional spaces for the building's occupants. The level 3 terrace is located in the south-western corner of the building which is poor in terms of solar access. The roof garden will need to have a good northern aspect but also be provided with</p>

	<p>shade, shelter and suitable furniture. Consideration could be given to a barbecue area.</p> <p>The interface with the public domain at street level needs to address the topographical constraints in a manner that ensures good integration with the streets, simple access, and activation of Market Street, Keira Lane and the corner of the future rear laneway.</p>
Amenity	<p>Office spaces are appropriately proportioned and well serviced by natural light. Positions of doors from the circulation space can be rationalised once future tenants are determined.</p> <p>Upper level terraces have the potential to provide excellent open space amenity to future tenants, pending detail refinement. Services, a kitchen and perhaps a meeting room should be considered adjacent to this open space.</p>
Safety	<p>The ground floor office space and café should be designed to provide casual surveillance of the laneway. Consideration should be given to appropriate lighting and surface finishes that discourage graffiti.</p> <p>The café entry should be located to avoid conflicts with vehicular movements.</p>
Aesthetics	<p>Several interesting images were provided in the applicant's precedent studies. These images show two excellent examples of how brickwork can be successfully applied to a commercial building – not just as surface treatment but in order to enhance the building's form and language. The applicant is encouraged to develop an understanding of these approaches and apply this knowledge to the treatment of the proposed building façade.</p> <p><u>Council comment:</u></p> <p><i>The materials used should relate and be sympathetic to the Hotel Illawarra. In this regard the use of bricks and relatable window configurations on the lower levels is commendable; the precedent studies provided aren't being expressed in the design and this needs further work. Vertical articulation should be strengthened to break up the facades and reduce the bulk of the building, particularly on the Keira Lane elevation. The use of the gold and black is sympathetic to the Hotel Illawarra.</i></p> <p>Servicing of the building should be considered at this stage of the design process. The location of service risers, carpark exhausts, AC condensers, down pipes, substations and fire hydrant boosters should be accommodated.</p>
Design Excellence WLEP2009	
<p>Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved</p>	<p>Further development required.</p>

Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Further development required.
Whether the proposed development detrimentally impacts on view corridors,	No apparent impact
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
How the development addresses the following:	
the suitability of the land for development,	Yes, good access, size, proportion and appropriately located
existing and proposed uses and use mix	The proposed commercial use is appropriate for this location.
heritage issues and streetscape constraints,	Further detail development required to demonstrate an appropriate relationship with the neighbouring heritage building (see Council comments).
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	No Tower is proposed.
bulk, massing and modulation of buildings	Further development required.
street frontage heights	Further development required.
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 development required.
impact on, and any proposed improvements to, the public domain	Further development is required to improve the relationship with the adjoining heritage item, the existing and any potential future development to the west, the Market and Keira Street streetscapes, and the future rear lane. <u>Council comment:</u> <i>The laneway has the potential to become an active frontage with visual interaction – windows should not incorporate frosted glass or</i>

	<p><i>dark tint. The design should consider how lighting can be incorporated to create a safe space at night. Not just internal illumination but lighting into laneway. The laneway facing façade there is the potential for a playful use of bricks or materials to help activate and add to the experience of this space.</i></p>
<p>Recommendations</p>	<p>Of the three options provided by the applicant, option 3 provides the greatest potential for good quality office space and an appropriately designed street level interface. However, to realise this potential, further consideration must be given to the following issues:</p> <p>Further development of contextual analysis.</p> <p>Relocate café to corner of the lane.</p> <p>Consider an increased ground level set back to the laneway</p> <p>Relocate the entry foyer to the western side of the building</p> <p>Allow the ground floor tenancy to directly address Market Street</p> <p>Review levels to ensure that entry to the Lobby and street fronting commercial space is direct and barrier free</p> <p>Consider integrating a colonnade along the lane</p> <p>Reconfigure upper level to provide improved terrace space to the north and 4m wide terrace to the south.</p> <p>Develop the expression of the building, as described above in Scale and Built Form</p> <p>Detail development of the façade to ensure that each façade responds appropriately to its orientation.</p> <p>Siting and detailed design of the level 3 terrace and roof garden.</p> <p>Note council comments in relation to, materials, façade articulation, and activation of laneway.</p> <p>Considering the site's great potential and the importance of this precinct in terms of heritage, adjacent building quality and character, the revised proposal must return to the DRP for consideration.</p>

Attachment 5



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EXCEPTION TO DEVELOPMENT STANDARD VARIATION STATEMENT

Building Separation - Wollongong City Centre

Address: 80-82 Market, Wollongong
Proposal: Commercial Development
Date: January 2020

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 B3 Commercial Core (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 *Part 8 - Clause 8.6(3)(b)* (Minimum building separation) 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 commercial development at 80-82 Market Street, Wollongong. In this regard, the proposed development will incorporate the construction of a new seven (7) storey building including ground floor commercial space comprising 4439.4 m² of Gross Floor Area (GFA) for use as office premises, a small café at the rear (accessible off Kiera Lane) and basement car parking over four (4) levels.

The details of this proposal are shown within the Development Drawings prepared by Design Workshop Australia (attached to the application).

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*. Hence the purpose of this statement.

The request addresses 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

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 numerical standards of the LEP and DCP.
- The constraints of the subject site making fully compliant development of this nature impossible/impractical to achieve.
- The development is consistent with the objectives of the B3 Commercial Core Zone.

The zone objectives are as follows:

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

The relevant zoning objectives outline a need to strengthen 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 both permissible within the B3 zone as a commercial/office premises, meeting the needs of the community by providing additional commercial gross floor area within close proximity to the CBD precinct 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.

There are no unreasonable impacts from the proposal, despite this departure and other minor WDCP 2009 variations. With regard to context and setting, Market Street itself is characterised by developments of a comparable type and scale (built and approved). The proposed development has demonstrated that a functional building can be provided, including appropriate carparking and access, landscaping and open plan floor space areas, without detrimentally impacting the surrounding properties.

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

(3) (b) Assessment of the proposal under the applicable planning controls has determined that besides the proposed variation to 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 and amenity, (privacy, visual, acoustic etc.) of the surrounding lots and general area will not be unreasonably impacted by the development.

The proposed building has been designed to respond appropriately to the limitations posed by the site and is considered to be a reasonable development outcome for the site. The proposed building is an appropriate urban form that will contribute positively to the streetscape.

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.

This written request has adequately addressed the matters required to be demonstrated by subclause (3). It is considered that the departure from the minimum building separation requirement, is in the public interest as outlined above in (3) (a) and (3) (b)

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. Planning Circular PS 18-003 dated 21 February 2018 states that the Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

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(2)* 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.

... (5) In this clause:

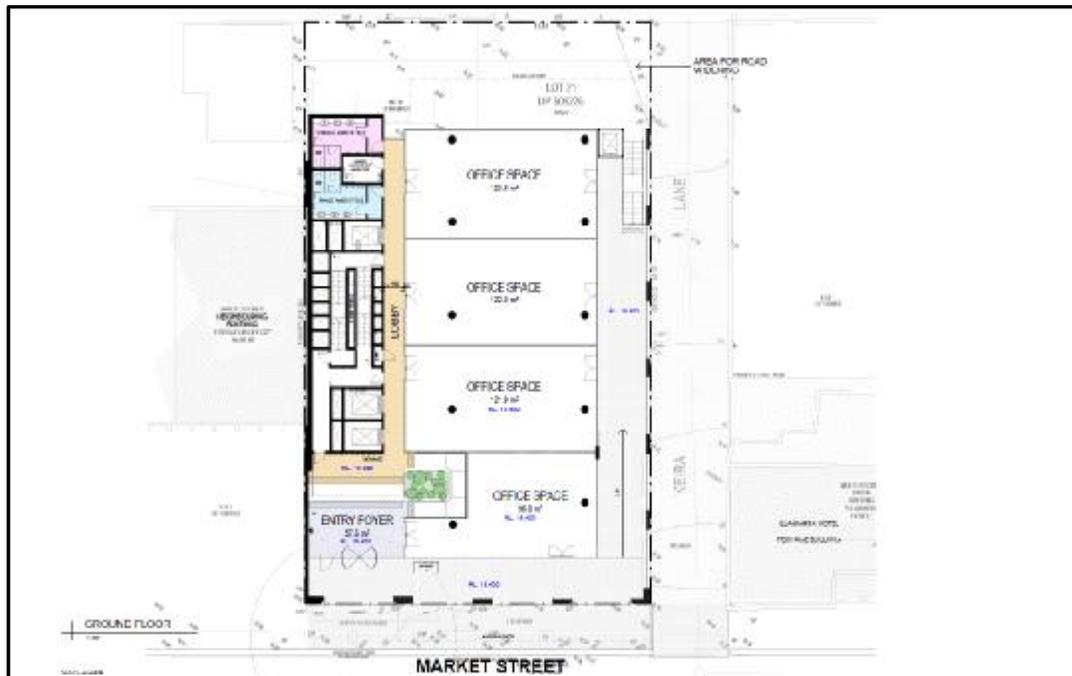
street frontage height means the height of that part of a building that is built to the street alignment.

In this regard, the design of the proposed development is sited with the built form covering most of the site, due to its commercially oriented nature. As required by *Clause 8.6(2)(a)*, there is no separation between the proposed building up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser.

The proposed development's massing adopts primarily a zero-lot line to street alignment on the southern boundary for the first 3 storeys, approximately 12m in height. There is a zero-lot line to

the western boundary adjoining the Catholic Education Offices building at 86-88 Market Street, and a zero-lot line to Keira Lane along the eastern boundary. The building also neighbours the Heritage Listed Illawarra Hotel which has been built to the street alignment on the opposite side of Keira Lane.

The adjoining Catholic Education Office building to the west at 86-88 Market Street is setback a considerable distance from the street alignment (approx. 14m) and has been built to boundary along the western/side elevation with a total building height of approximately 16m (see *Figure 1* below). This property has substantial development potential given the site width and LEP controls that apply to the site that is yet to be fully realised. The redevelopment of this site would result in a considerable uplift of commercial and/or mixed-use gross floor area for the Wollongong CBD. The future development of this site would be required to be built to the street frontage height to the established street frontage height (as defined in Clause 8.6). However, given the notable improvements on this adjoining site at present, it is questionable as to whether redevelopment would be feasible in the short term nonetheless.



*Figure 1: Proposed Site and Ground Floor Plan (*Source: DWA)*

The provisions of Clause 8.6 require an established street frontage height of up to 24m (or the street frontage height of the relevant building, whichever is the lesser), and a separation of at least 12m from any other building above the street frontage height (which means the height of that part of a building that is built to the street alignment) and is less than 45m above ground level.

Initially, the concept proposed for the subject site incorporated a 4 storey street frontage height at a similar height scale to that of the adjoining Catholic Education Office building. Following feedback from Council's Heritage Officer, the design of the Market Street façade has reduced from a 4 storey street frontage height to a 3 storey street frontage height, in order to align with the street frontage height set by the Illawarra Hotel off Keira Lane (corner of Market and Keira Streets), in consideration of the heritage value of this building. The subject building was also stepped back in part to respond to and to enhance the established street tree on Market Street.

The proposed development shares a boundary wall with the Catholic Education Office along the western boundary. Due to the differing street frontage height of the two buildings, a 12m building separation above the street frontage height is technically required at Level 3 (as referred to in DWA architectural plans) in accordance with *Clause 8.6(2)(b)*. It is noted that *Clause 8.6* does not apply to those parts of the proposed building above Level 3 (being in actual fact the fourth storey), as it exceeds the total height of the adjoining Catholic Education Office building.

Given the proposed development design sets a zero-lot line for the western boundary of Level 3 above the street frontage height, this *Clause 4.6* Statement has been submitted to request a variation to the 12m separation standard in *Clause 8.6(2)(b)*. It is contended that complying with *Clause 8.6(2)(b)* building separation requirements at Level 3 would present an impractical and inferior development outcome, compared to that proposed by varying this development standard accordingly.

Extracts of the relevant architectural plans and 3D perspectives have been provided in *Figure 1 – 6*.



Figure 2: Proposed Floor Plan - Typical level 3 & 4 (*Source: DWA)



Figure 3: Site Section - Market Street (*Source: DWA)

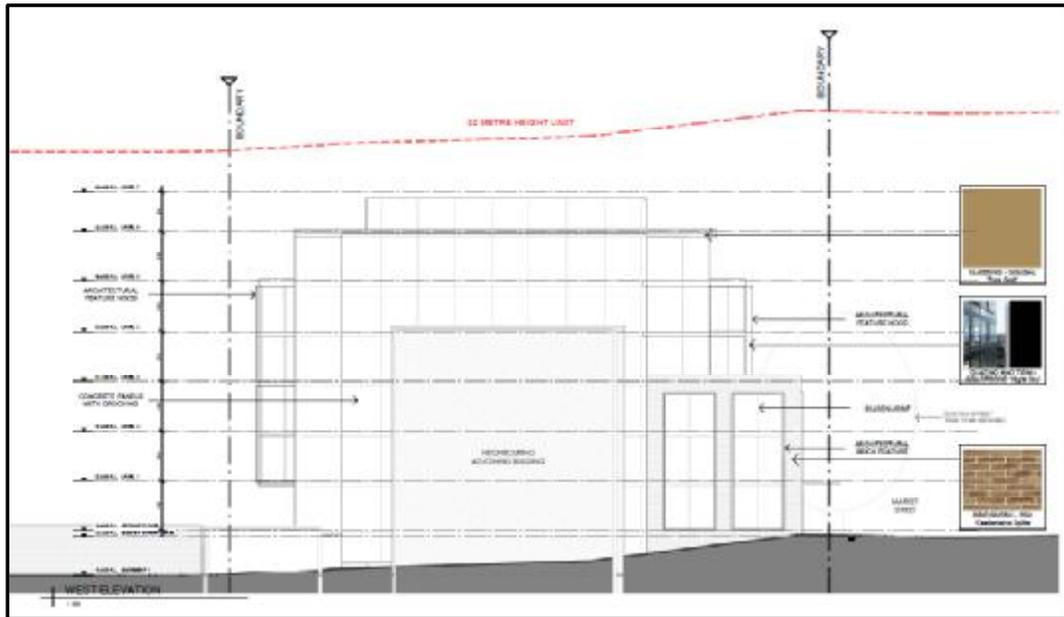


Figure 4: West Elevation (*Source: DWA)

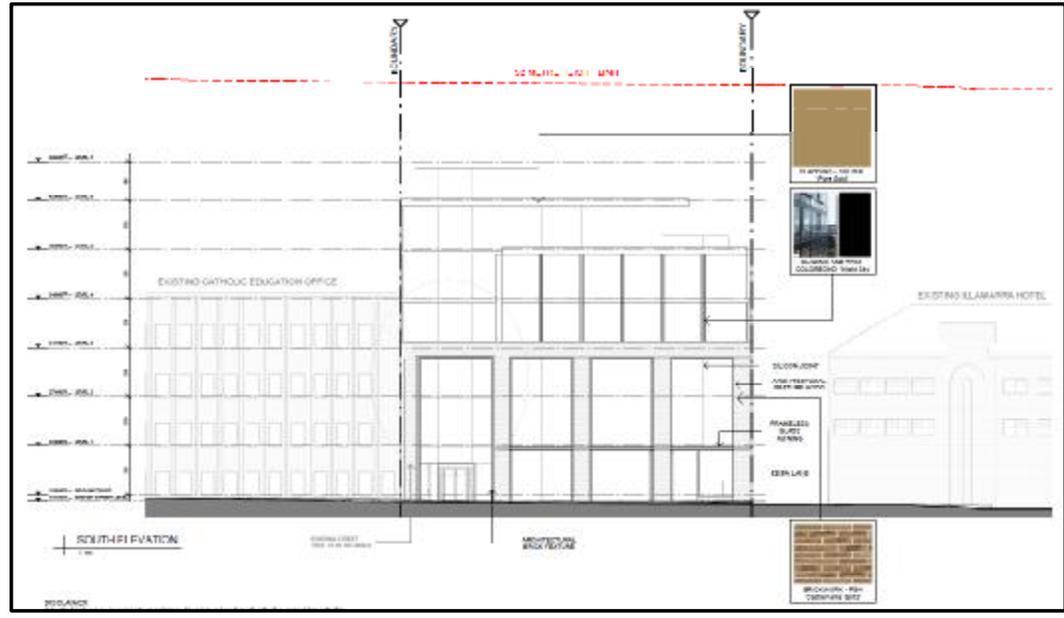


Figure 4: South Elevation (*Source: DWA)

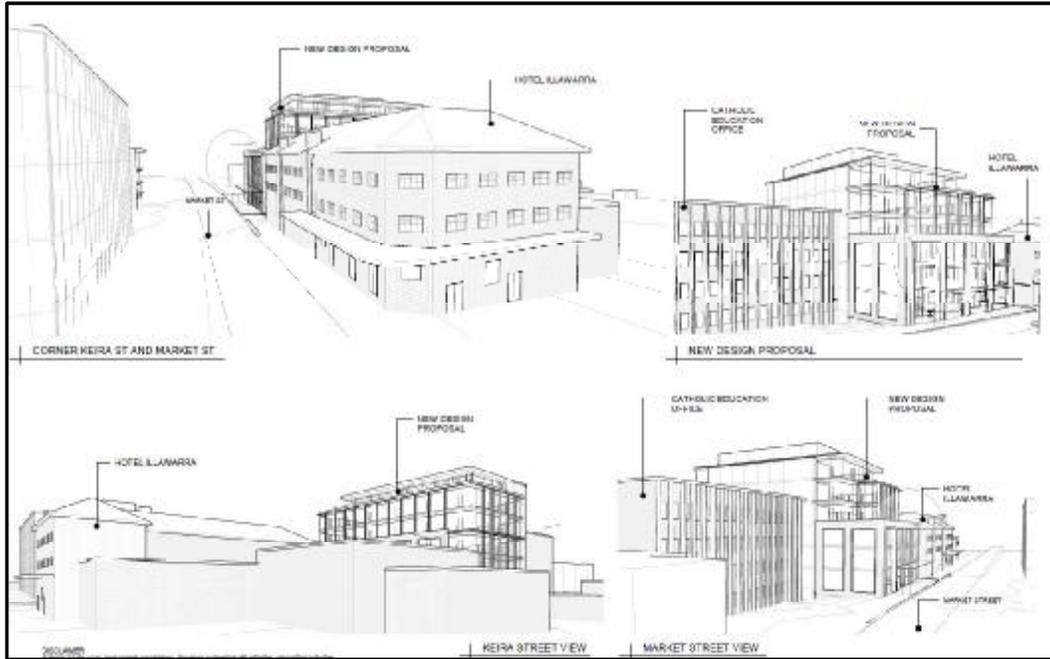


Figure 5: 3D perspective (*Source: DWA)



Figure 6: 3D perspective (*Source: DWA)

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 extent of the variation (between the proposal and the EPI)?

The minimum separation distance required above the street frontage height is 12 metres from any other part of any other building.

The construction of *Clause 8.6* is not clearly constructed to cater for circumstances where redevelopment occurs at different points in time, particularly where existing buildings that have are setback from the street alignment and there is no real established street frontage height. The extent of the variation between the proposal and the development standard in Clause 8.6 of Wollongong LEP 2009 can be measured in various ways. Three different measurements including the Gross Floor Area, Façade Surface Area and the Distance between buildings and the percentage variation requested is included in the table below:

Table 1: Extent of variation calculations

Measurement	Numerical Values	Extent of variation (%)
1. Gross Floor Area	Total Building GFA = 4439.4m ² Level 3 = 791.8m ² Area of GFA within Level 3 within 12m distance = 201.6m ² (however, 96m ² of this area is excluded from the GFA calculation with stairs and lift cores).	2.38% of the total GFA that is within the 12m distance of the building
2. Façade Surface	67.2m ² at Level 3 of the western external wall surface façade is within the area of the building that is within 12m of the adjoining building above the street frontage height.	714m ² (western façade surface area)/66.12m ² (Level 3 portion of surface affected by building separation clause) = 9.26%

3. Distance Between Buildings	0m building separation at common boundary wall on Level 3 above street frontage height of proposed development to the street frontage height of the existing building at 86-88 Market Street.	100%
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It is noted that the Catholic Education Office is setback 14m from the Market Street boundary and the depth of the building is 16.8m compared to the depth of the proposed development being 37m. The distance that of the Catholic Education Office shared a boundary wall with the proposed commercial development represents approximately 45.4% of the depth of the proposed commercial building. Through a redevelopment of the site 86-88 Market Street, any future proposed development will be required to be built to boundary up to the street frontage height with a zero-lot line to the street alignment and the shared eastern and western boundary lines.

The application proposes to share a common boundary with the Catholic Education Office above the street frontage height of the proposed development, which is necessary due to the position of the lift core/access on this side of the building. The total height of the Catholic Education Office is approx. 16m and the total street frontage height of the proposed development is approx. 12m, representing 4m in the height of the building at this point where a building separation of 12m is technically required.

As such, 4m of the of the building height above the street frontage height of the proposed building does not comply with the minimum distance of 12m between buildings required above street frontage height.

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 or 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 Mical 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 and Fourth Way outlined in Wehbe, as follows.

Under WLEP 2009, Clause 8.6(1) 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 visual appearance of this well-designed commercial building responds to the existing and future local context, with particularly desirable elements and repetitions of the streetscape. The proposed development is consistent with the vision for Wollongong City Centre to provide no separation between neighbouring buildings up to the street frontage and to build to the street alignment. Through the Design Review Panel process, further design improvements have been made to ensure design excellence in Wollongong City Centre. By providing zero-lot lines to the street and side boundaries up to the street frontage height, the ground and lower levels of the building provide activation to Market Street edge and correspond to the scale of the site. The subject area of non-compliance is a shared common boundary wall with no openings as this section of the building contains lift and stair wells. Given the structural integrity and the required vertical height for the lift and stair well, a setback of 12m from the adjoining building is not possible.

To this end, multiple options for building layouts and variations in design were presented to both Council and the DRP throughout both the pre-lodgement and DA assessment processes. Alternate design options included shifting the lift core the eastern side of the building adjacent to Keira Lane, as well as another option for internally centralising this lift within the middle of the building. From an urban design perspective, including the lift core along the eastern edge of the façade reduced opportunities to activate Keira Lane and presented an inferior streetscape appearance, whilst centralising the lift core created a series of inefficient and less flexible floor plates for future tenants. Ultimately, shifting the lift core to the western side/façade was resolved to be the preferred and best urban design option for the site, in terms of both context and site

conditions.

From an urban design perspective, the proposed development has responded to the heritage values of the Illawarra Hotel with a corresponding street frontage height and sympathetic design, in particular relative to building form, colours and quality materials appropriate to the context and the surrounding area. The building design has also responded to the existing street tree on Market Street closer to the western boundary of the site as requested by the Council's Landscape Officer.

The building elevations facing Market Street and Keira Lane emphasise and accentuate parts of the building façade 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 street frontage from the upper levels of the building, and address the street frontage and the neighbouring heritage listed Illawarra Hotel with appropriate proportions.

Consideration has been made to the building façades, particularly where they are visible from the street where walls are articulated with texture and pattern to mitigate any blank walls. Selected quality, modern, durable and environmentally sustainable external finishes ensure the proposed development enhances the amenity of the local area and the nearby heritage item known as the Illawarra Hotel. 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 façade panels in various shades, 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 character of the area.

Privacy

Privacy has been considered specifically in the design response shown in the architectural interface treatment to these boundaries. The common boundary wall is concrete panelling with no openings reducing any privacy concerns. The existing land uses in close proximity are primarily commercial at this stage, to which no significant overlooking privacy impact will be created as a result of the proposal or the variation in question.

Acoustic privacy for future building users, 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 that common wall arrangements can provide.

Solar Access

The layout and built form are a direct response to the site orientation and design responses to the nearby heritage item, and commit to establishing a street frontage height for this part of Market Street. The building floor plates provide for multiple orientations to the north, south and east, capturing those solar opportunities to the site.

The layout of the development includes thoughtful placement of the lift and stair wells, amenities and the entry lobby on the western side of the building while the main office spaces and circulation spaces will gain advantage of the solar access from a north/east/southerly direction through glazing. The nature of the variation does not contribute to solar impacts to adjoining properties, by virtue of not strictly complying with the building separation criteria at Level 3.

On this basis, the proposed development has been assessed against each objective contained in clause 8.6(1) of WLEP 2009. Thus, deeming strict compliance in accordance with the First Way is unwarranted in the circumstances of this particular case.

Council Departure from the Development Standard

In relation to the Fourth Way *"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)"* it is noted that the following approvals have proposed the same variation and have been approved thereby potentially signifying an abandonment of the development standard:

- *DA-2016/1419: 10 Regent Street WOLLONGONG NSW 2500
Construction of a 29 level (including basements) mixed use development incorporating retail, commercial, hotel, function, recreational and residential uses*

- *DA-2015/389: 25 Stewart Street WOLLONGONG NSW 2500
Alterations and additions to existing Aldi Store and carpark reconfiguration*
- *DA-2016/1073: 31 Atchison Street WOLLONGONG NSW 2500
Demolition of existing structures and the construction of a shop top housing development comprising a 12 storey building comprising 1 retail/business premises, a child care centre with places for 61 children on the ground floor, 44 residential apartments, and two levels of basement car parking*
- *DA-2016/1719: 38 Atchison Street WOLLONGONG NSW 2500
Mixed use development - ground and mezzanine level commercial with 92 residential apartments over two (2) basement carparking levels*
- *DA-2016/1354: 43 Atchison Street WOLLONGONG NSW 2500
Demolition of existing structures on site and construction of a shop top housing development containing 203 residential apartments, two (2) levels of commercial/retail floor space, four (4) basement parking and servicing levels and associated landscaping and services*
- *DA-2016/1557: 385A Crown Street WOLLONGONG NSW 2500
Demolition of existing structures and construction of hotel development*
- *DA-2016/969: 48 Bank Street WOLLONGONG NSW 2500
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 NSW 2500
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 NSW 2500
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 NSW 2500*
Demolition of existing buildings and ancillary structures and the construction of a mixed use development above basement parking
- *DA-2018/973: 28 Young Street WOLLONGONG NSW 2500*
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-2011/862: 11 Stewart Street WOLLONGONG NSW 2500*
Commercial - demolition of existing building and construction of a mixed use four (4) storey development
- *DA-2011/770: 3 Rawson Street WOLLONGONG NSW 2500*
Construction of a mixed use development

The various examples outlined above, demonstrate the number of times that Council has varied this development standard in different situations. Some applications proposed a 0m separation between adjoining building due the limitation of Clause 8.6 in the context of redevelopment, historic building footprints and activating street frontages.

Thus, deeming strict compliance with the minimum building separation is unwarranted (Fourth 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 a reduced setback:

The building's street frontage height potential is already limited by the heritage item located to the east of the site and the established street tree located on Market Street. Adopting building separation requirements to the adjoining Catholic Education Office would mean a large part of the subject site would be excluded from any built form. The lift and stair wells are in this section of the building which require a straight vertical column through the building. Logically, restricting a built form envelope by this amount is completely impractical for a City Centre B3 zoned site at this location and, therefore, totally unreasonable to be strictly applied in this instance. Strictly complying with building separation criteria in this instance would clearly present an inferior urban design outcome to that being proposed.

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

The zero lot line setback to the western edge is a deliberate and good urban design response to the abutting Catholic Education Office building, given its wrapping façade affect to align building forms given the significant setback this adjacent building has from the street frontage.

The proposed bulk and scale of this building is considered appropriate for this City Centre location, 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 expected future desired character strategies for the area. No significant adverse impacts have been identified as a direct result of this variation.

Council's intention for buildings to be built to the street alignment is further outlined in WDCP 2009 Chapter D13: Wollongong City Centre, in particular:

- **Section 2.2 Building to street alignment and street setbacks:
Clause 2.2.1 (2) General**

“In the commercial core, buildings are to be built up to the street alignment to reinforce the urban character and improve pedestrian amenity and activity at street level. Above street frontage height, tall buildings are to be set back to provide for sunlight to streets, and daylight to pedestrian areas and lower levels of other buildings.”

Clause 2.2.3 Development Controls

Commercial Core = build to the street alignment or specified setback with 4m minimum further setback above street frontage height.

- **Section 2.3 Street frontage heights in commercial core**

Clause 2.22 Street frontage

“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”

Section 2.5 Side and rear building setbacks and building separation

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

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 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 allowed under the *WLEP 2009*. The land is suitable for the proposed commercial development and given the location of the site on the edge of the City Centre.

The proposal will be compatible with future developments in the immediate vicinity of the site 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 form of the building and the proposed bulk, massing and modulation 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, 3D perspectives 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 Market Street and Keira Lane.

This development 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) and increase the number of jobs in Wollongong City Centre.

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

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 (almost as if they were non-habitable type facades). The building design maximises solar access through the north-south-east orientation and the western wall is to be constructed of concrete walling with no openings.

The development has been specifically designed to provide a suitable environment for all future users of the building, whilst respecting the considerations of adjoining land uses.

Acoustic privacy for future tenants/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. The proposed development is consistent with the State Government's Illawarra-Shoalhaven Regional Plan which sets a vision for the Illawarra region over the next 20 years. The proposal will provide 4439.4m² of commercial GFA in the Wollongong City Centre and will boost the economic capacity of the city by providing a number of office spaces in varying sizes.

4.4 Is the objection well founded?

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.

The proposed non-compliance is unlikely to result in any future precedents given the surrounding pattern of development and the combination of zoning and other associated controls currently in place. It is clear that the application of this building separation requirement under *Clause 8.6* of *WLEP 2009* is not suitable for this site/proposal on environmental planning grounds, and to strictly comply with this development standard for part of the building applicable would present an inferior urban design outcome to that being proposed here.

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

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD



LUKE ROLLINSON BUrbRegPlan DipArchTech MPIA
DIRECTOR – TOWN PLANNER

Attachment 6 – 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 1591 Drawing 06-QQ, 07-QQ and 09-QQ to 11-QQ dated 4 November 2019 and 12-RR to 18-RR, 30-RR to 33-RR and 42-RR to 45-RR dated 26 November 2019 prepared by Design Workshop Australia and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Geotechnical

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 24 March 2019 by Terra Insight and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- 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 Hard bedrock will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- e Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- f All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- 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 geotechnical report dated 24 March 2019 are to be accommodated in the earthworks plan.
- i The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the earthworks.
- j All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- k Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock or as recommended by the geotechnical consultant.
- l All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

3 Advertising Signage

This consent does not authorise the erection of any advertising signage. Any proposed signage will require separate approval.

4 Occupation Certificate

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

5 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.

6 **Construction Certificate**

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

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

Note: The 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 **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.

8 **Tree Retention/Removal**

The Developer shall retain the existing street tree (Plane Tree) indicated within the Aboricultural Impact Assessment by Allied Tree Consultancy dated September 2019 and the Ground Floor Landscape Plan and Planting Plan by Taylor Brammer, Issue D dated 11.11.2019.

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

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

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

No trees shall be removed without prior written approval of Council.

Prior to the Issue of the Construction Certificate

9 **Detail Site Investigation Report**

Prior to issue of construction certificate a Stage II (detail site assessment report) to assess the nature and volumes of soil contamination and identify areas of environmental concern (AEC) must be prepared. Based on the Stage-II assessment report a stage III (remediation action plan - RAP) must be prepared so that site is suitable for proposed development. The Stage II and III reports must be prepared as per the Guidelines for Consultants Reporting on Contaminated Sites, published by NSW Office of Environment & Heritage. August 2011.

WDCP Chapter E-20 Contaminated Land has been reviewed and recognises contaminated land consultant certification schemes to ensure those consultants dealing with contaminated sites have the necessary competencies to carry out the work (Stage I to IV site assessment report as per the Contaminated Land Management Act 1997). These certification schemes include:

- 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.

10 **Hazardous Material Survey**

Engage an occupational health hygienist recognised by the NSW WorkCover Authority, to prepare a hazardous materials survey of the results of the survey shall include, 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:

- the location of hazardous materials throughout the site;
- a description of the hazardous material;
- the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- 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;
- identification of the disposal sites to which the hazardous materials will be taken.

11 **Internal Ramping**

If the finished floor levels will result in a footpath grade that exceeds the maximum 2.5% permitted, the grade change shall be dealt with through internal ramping within the property boundaries. In some cases, this may require internal ramps within the retail tenancies, which must comply with the Building Code of Australia and the Disability Discrimination Act 1992. Details of such shall be included on the plans for review by the Principal Certifying Authority 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 openings such as doors, ventilation louvres or fire access stairways.

14 **Excavation and Retaining Structures adjacent to Public Road**

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

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

15 **Ground Anchors**

Permanent ground anchors are not permitted within the road reserve. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for

their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.

16 **Street Tree Management Program – Scaffolding/Hoardings**

Where a scaffold or hoarding is proposed to be constructed over a footpath, the applicant/developer must ensure that the placement of the footings and scaffold/hoarding structure will not impact upon council's street tree.

The scaffold/hoarding shall be a minimum of 0.5m from the trunk and branches. If the trunk is enclosed in the in the scaffold/hoarding structure, protective material must be wrapped around the trunk and main branches to prevent damage. Footings of the scaffold/hoarding are to be oriented away from the base of the tree.

All scaffold/hoarding shall comply with the requirements of Australian Standards for scaffolding AS1576 and AS 4576. Additional operational guidelines may be obtained from the WorkCover Authority.

A Tree Management Program shall be submitted to council for approval prior to the issue of the Construction Certificate.

17 **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.

18 **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.

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

19 **Endeavour Energy Requirements**

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

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

20 **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.

21 **Crime Prevention through Environmental Design (CPTED)**

The area of the subject site which can be accessed by the public at night including car parking areas, pedestrian routes and building entries must have lighting provided in accordance with AS1158 (1999) or AS4360 (1999) (*only appropriate if the land is in public ownership*). This requirement shall be reflected on the Construction Certificate plans.

22 **Car Parking and Access**

The development shall make provision for a total of 65 car parking spaces (including 3 spaces for people with disabilities), 3 motorcycle parking spaces, 20 secure (Class B) bicycle spaces and 7

visitor (Class C) bicycle spaces. 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.

- 23 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.
- 24 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.
- 25 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.
- 26 The development shall make 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.
- 27 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.

28 **Landscaping**

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

- 29 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.
- 30 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.

31 **Tree Protection and Management**

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

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

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

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

33 **Acid Sulfate Soils Management Strategy**

An Acid Sulfate Soils Management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a NATA registered laboratory. This strategy shall address the following aspects:

- a Specific mitigative measures to minimise the disturbance of acid sulfate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- b Management of the excavated material;
- c Measures taken to neutralise the acidity; and
- d Run-off control measures.

The recommendations of the strategy shall be completed, prior to the commencement of building works.

34 **Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

35 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.

36 **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.

37 **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 with the property boundary.

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

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

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

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

38 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept stormwater plan/s lodged for development approval, prepared by ATB Consulting Engineers, Project No. 19098, Drawing No.'s SW3, SW4, SW5, SW6, SW7, and SW13, each Issue A dated 29 October 2019.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing stormwater drainage system within the easement on the subject site.
- 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.

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

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must ensure that peak discharge rates from the site to the existing drainage system within the easement will not exceed existing peak discharge rates and ensure that the capacity of the existing drainage system will not be exceeded as a result of the development.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.

- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2019/779;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.
- i The detailed design of the OSD facility and disposal pipe shall ensure that flows through the orifice plate will not be impacted by tail-water effects from the disposal pipe (i.e. the pipe conveying water from the OSD facility to the existing drainage system). In this regard, the size and gradient of the disposal pipe shall be designed to ensure its capacity is greater than the calculated peak discharge rates through the orifice plate.

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

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

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

41 **Dilapidation Report Prior to Construction**

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

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

42 **Development Contributions - City Centre**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$313,100.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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 (Full payment only)	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1139038	<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

43 Construction Environmental Management Plan

- Submit a construction environmental management to PCA, 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 PCA, 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. A copy of the plan shall be forwarded to Council.

44 Sign – Supervisor Contact Details

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

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the Principal 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.

45 Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

46 **Enclosure of the Site**

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

47 **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.

48 **Demolition Notification to Surrounding Residents**

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

49 **Asbestos Hazard Management Strategy**

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<<http://www.safework.nsw.gov.au>>). The strategy shall be submitted to the Principal 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.

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

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

51 **Contaminated Roof Dust**

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

52 **Waste Management**

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

53 **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.

54 **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.

55 **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.

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

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

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

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

Restoration must be in accordance with the following requirements:

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

57 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

58 Supervision of Engineering Works

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

59 Piping of Stormwater to Existing Stormwater Drainage System

Stormwater from the development must be piped to the existing stormwater drainage system within the easement on the subject site in accordance with the detailed drainage design submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

60 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.

61 Prohibition of any Encroachment into Drainage Easement

No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

62 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.

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.

63 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>>).

64 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 Certifying Authority), prior to commencement of the construction works.

65 Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an

indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

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

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

66 **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.

67 **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.

68 **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.

69 **Podium Planting**

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

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

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

Prior to the Issue of the Occupation Certificate

70 **Completion Report for Excavation Adjacent to a Public Road**

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:

- 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.
- Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- Provides a post construction dilapidation survey.

71 **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.

- 72 **Drainage**
The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.
- 73 **Restriction on Use – On-site Detention System**
The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:
“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.
Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”
The instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.
- 74 **Retaining Wall Certification**
The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal 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.
- 75 **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.
- 76 **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.
- 77 **Completion of Landscape Works**
The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.
- 78 **Drainage WAE**
The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

79 **Lot Consolidation**

Lot 21 DP 609226 and Lot 31 DP 558349 shall be consolidated into one lot. Evidence of consolidation shall be provided to the Principal Certifier prior to the issue of Occupation Certificate.

80 **Post Construction Dilapidation Report**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads following construction of the development shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the final Occupation Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of the final Occupation Certificate.

Operational Phases of the Development/Use of the Site

- 81 All servicing and waste collection is to be carried out by a vehicle no larger than a Small Rigid Vehicle (max 6.4 metres in length) from the designated loading/unloading facility enabling forward exit in no more than a 3-point turn.