WLPP No.	Item No. 3
DA No.	DA-2019/756
Proposal	Mixed use - demolition of existing dwellings and excavation works, construction of mixed use development with basement carparking
Property	65 - 67 Walker Street, HELENSBURGH NSW 2508 Lots 17 and 18 Sec B DP 2205
Applicant	Environa Studio
Responsible Team	Development Assessment and Certification – City Wide Planning Team (MB)

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 the Local Planning Panels Direction of 1 March 2018 as the development which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies. The application also involves an exception to a development standard at Clause 4.3 and Clause 7.13 of Wollongong Local Environmental Plan 2009. A portion of the building exceeds the maximum height limit of 12 metres as required pursuant to Clause 4.3. Residential development is located on part of the ground floor of the building, which contravenes Clause 7.13 Certain land within business zones.

Proposal

The proposal seeks consent for the demolition of existing buildings and construction of a mixed use development with basement carparking.

Permissibility

The proposal is a mixed use development and having components defined as shop top housing and residential flat building with both proposed uses being separately permissible in the B2 Local Centre zone of the Wollongong Local Environmental Plan (WLEP) 2009.

Consultation

The proposal was notified in accordance with Council's Notification Policy and no submissions were received.

The application was referred to the NSW Rural Fire Service and the Wollongong Design Review Panel and advice was provided. Council's Traffic, Stormwater, Landscape, Environment, BCA and Community Safety officers' have reviewed the application submission and provided satisfactory referral comments. Conditions of consent were recommended in each instance.

Main Issues

The main issues arising from the development assessment process are:

- Exception to Development Standard of Clause 4.3 Building Height of the WLEP 2009, which is capable of support.
- Exception to Development Standard of Clause 7.13 part residential on the ground floor of the WLEP 2009, which is capable of support.
- Amendments were made to the original design and commentary provided by the designer in response to comments from the Design Review Panel, **at Attachment 4.**

These issues are considered to have been satisfactorily addressed, as discussed throughout the report.

Likely impacts

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

RECOMMENDATION

Development Application DA-2019/756 be **determined** by way of **approval** subject to the conditions contained in **Attachment 7.**

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan
- Apartment Design Guide
- Helensburgh Town Centre Plan (Draft exhibition March 2020)

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The subject development application seeks consent for demolition and excavation works and the construction of a mixed-use development containing a ground level commercial tenancy and 17 apartments comprising of one (1) studio apartment, 1 one-bedroom apartment, 10 two-bedroom apartments and 5 three-bedroom apartments.
One basement level is proposed to accommodate parking for 36 vehicles.

Basement Level
The basement accommodates 36 car parking spaces including 3 accessible spaces. Three parking spaces for motorbikes and 8 bicycles spaces are also proposed. As the site has a moderate fall from the west to the east the Basement Level is two levels below ground level at the western boundary of the site and is generally at ground level on the eastern (Walker Lane) side of the site. A landscaped communal open space area is located on the eastern side of the Basement Level.
Level 0
Commercial and residential storage areas are proposed on Level 0, below street level. Four units are proposed on this floor. One studio adaptable apartment and one bedroom adaptable apartment are located on this floor. Two 2 bedroom apartments are also located on this floor. These apartments adjoin a 227 square metre communal landscaped area. Stairs from Level 0 provide access to the ground level communal open space to the rear of the site.
Level 1
The western side of Level 1 is at the same level as Walker Street. A 156.368 square metre commercial tenancy is proposed on the northern side of the frontage to Walker Street. The pedestrian entry to the residential component of the development is located on the southern side of the commercial tenancy. A Fire Hydrant Booster and residential and commercial bin storage areas are located on the southern side of the residential lobby/ access corridor and are accessible from the street.

Four apartments are located on this level. Three 1 bedroom apartments and one 3 bedroom apartment.
A driveway along the southern boundary of the site provides access to the basement car park level.

Level 2

Seven apartments are proposed on Level 2.
Five, 2-bedroom apartments; Two 3 bedroom apartments.

Level 3

A 5-metre setback is proposed to Level 3 from Walker Street, consistent with the setback provided at this level for the development on the adjoining property to the north. Two, 3-bedroom apartments are located on Level 3. Both apartments have openings on three sides and private open space areas on both the eastern and western sides of the dwelling. The primary area of private open space for each dwelling is located on the eastern side of each apartment.

Figure 1: Photomontage

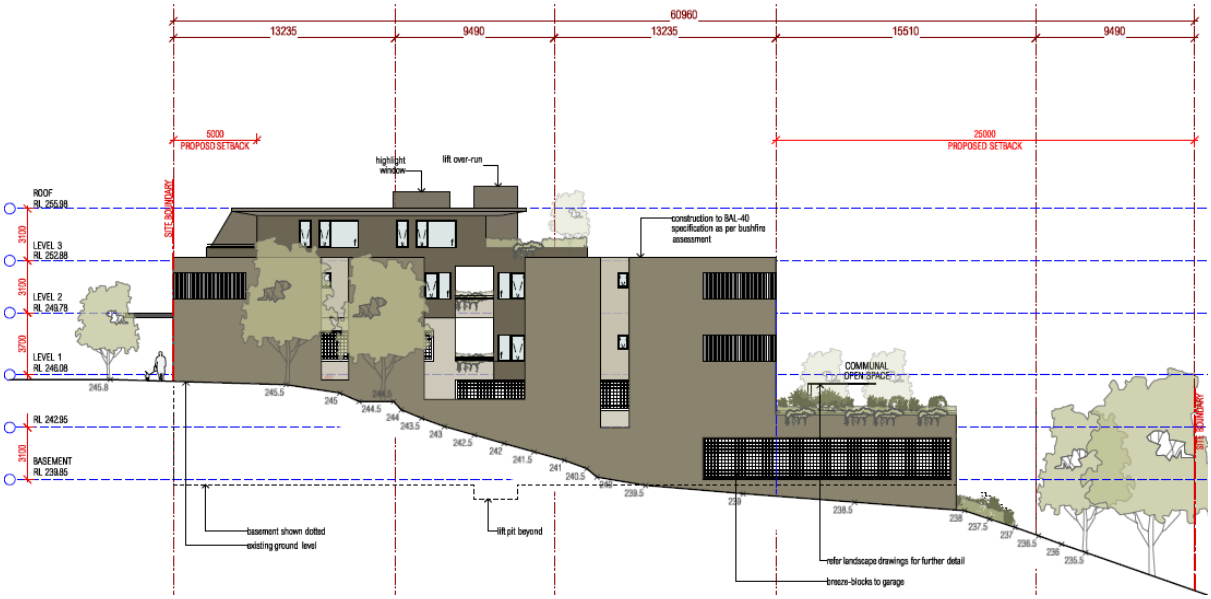


Figure 2: South-west Elevation demonstrating the extent of the development

1.3 BACKGROUND

The development history of the site is as follows:

Application	Description	Decision	Decision Date
PL-2019/25	Demolition works and construction of a mixed use development with commercial and residential floor space and basement car parking	Completed	March 25 2019
BA-1973/1552	Additions	Approved	29 June 1973

Customer service actions:

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

Application history:

A pre-lodgement (PL-2019/25) was held for a similar proposal 14 February 2019.

The subject development application was lodged on 23 July 2019.

The application was notified and on public exhibition from 2 August – 21 August 2019

The proposal was referred to the Design Review Panel 27 August 2019 and the advice received by the applicant informed the amended plans and commentary provided to Council.

Following the submission of amended plans and additional information, the proposal was referred for comment/conditions. Following review of the additional information, no concerns were raised by referral groups. The application was not referred back to the DRP as the applicant had considered the advice (refer to **Attachment 4**) and amended the design.

This report has been prepared following review of the most recent additional information submission.

1.4 SITE DESCRIPTION

The site comprises two allotments legally described as Lots 17 and 18 Sec B in DP 2205 and known as 65 and 67 Walker Street, Helensburgh. The site is rectangular and has a combined area of 1,858 square metres. The site has a 30.48 metre frontage to Walker Street and side boundaries of 60.96 metres.

The site is located within the Helensburgh town centre. The town centre extends from Charles Harper Park and Parkes Street at the northern end to Lilyvale Road and Whitty Street at the southern end. The town centre is located approximately 2 kilometres walking distance from the Helensburgh Railway Station.

The site is located to the south of Parkes Street and north of Whitty Road. Walker Lane extends from Short Street to the rear of 61-63 Walker Street. As such Walker Lane is not formed to the rear boundary.

The topography of the site is characterised by a moderate fall from the front (western) boundary to the eastern boundary. The site falls gradually to the rear of the existing dwellings. The land then falls more steeply from the approximate centre of the site to the rear boundary.

Each allotment currently contains a single storey dwelling house.

To the north, the site adjoins 61-63 Walker Street, which contains a mixed-use development that incorporates commercial uses adjoining Walker street and 16 residential apartments. To the south, the site adjoins 67 Walker Street, which is improved by a single storey detached dwelling. Opposite the site, on the western side of Walker Street, are one and two storey dwellings where ground level is above street level. To the east the site adjoins land zoned E2 Environmental Conservation.

Property Constraints:
Bushfire hazard affected

Figure 2: Aerial view of the Site

1.5 SUBMISSIONS

None received

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Traffic, Stormwater, Landscape, Environment, BCA and Community Safety officers' have reviewed the application submission and provided satisfactory referral comments. Conditions of consent were recommended in each instance.

1.6.1 EXTERNAL CONSULTATION

Rural Fire Service
The application was referred to the Rural Fire Service in accordance with Section 4.14 of the 'Environmental Planning and Assessment Act 1979'. Satisfactory referral advice was received in letter dated 15 August 2019. The recommendations will form consent conditions at **Attachment 8.**

Design Review Panel
The application was reviewed by the Design Review Panel as required by clause 28 of SEPP 65 post lodgement on the 14 November 2018. The notes of that meeting are contained at **Attachment 3.**

The main issues/recommendations raised by the DRP can be summarised as:

- The design, planning and configuration of this development relies on 'engineered solutions' egress and fire safety requirements. The panel is concerned that major design changes would be required to the proposal until and unless the solutions are verified as safe and workable.

- The built form, particularly the suggested repetition of the streetscape pattern established by the recent development to the north needs to be supported by evidence of thorough site and context analysis.

- Subject to satisfactory resolution of the issues raised above, the panel is of the view that the provision of residential use on the ground (street) level is reasonable in this instance.

- To evaluate the proposed WLEP height variations, the impact of the proposal on the development potential of properties to the south need to be included in the site and context analysis.

In response to the issues raised by the Panel the applicant has amended plans and provided satisfactory design response to the issues raised. See **Attachment 4**

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

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A review of Council records does not indicate any previous historic use that would contribute to the contamination of the site. The land has only been used for commercial purposes and does not propose a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7. Council's Environment Officer has reviewed the application and provided satisfactory referral advice.

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

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

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

A Design Verification Statement has been prepared by a Registered Architect addressing the requirements of SEPP 65 with a copy presented at **Attachment 2.**

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

Principle 1: Context and neighbourhood character

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

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

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

The neighbourhood character is evolving as some sites are redeveloped. The mixed-use development incorporates commercial and residential development and is permissible in the B2 Local Centre zone pursuant to the Wollongong Local Environmental Plan 2009. The development meets the objectives of the zone and is consistent with the emerging character of the area.

The massing of the development is generally consistent with that which is expressed in the Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009 and responds to the scale and siting of the adjoining and future development.

The proposal significantly improves the relationship of the site with the public domain by providing and active ground floor use, increasing pedestrian activity, providing greater visual interest and improving pedestrian safety through greater natural surveillance of Walker Street.

A 3 metre side setback has been applied to the northern and southern boundaries to provide distinct gaps and views to the bushland to the east. The amended awning is limited to the building frontage width as suggested by the Design Review Panel.

Principle 2: Built form and scale

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

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

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

The locality, the bulk and scale of the development is consistent with neighbouring properties to the north. The proposal is of similar scale to those recently approved and constructed and is generally consistent with the development standards and controls applicable to the land.

A detailed Clause 4.6 request to vary the height of buildings standard is included at **Attachment 6.** It is considered that the objectives of the standard and development is compatible with the scale of the development to the north on Walker Street and provides an appropriate height transition to future development to the south.

In terms of privacy impacts, the building setbacks are compliant and provide for reasonable and compliant separation between the proposed building and that of neighbouring properties. Boundary setbacks assist in minimising opportunities for overlooking towards the neighbouring dwellings. The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of solar access, loss of privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on the adjacent sites. The limited footprint of the building and substantial rear setback allows for solar access to be maintained to the rear private open space of the adjoining development to the south.

The proposed cantilevered floor space over the driveway has been amended. Units 8 and 11 will be supported by walls and columns. A 3m setback has been applied to the northern and southern boundary to provide views to the bushland beyond and a landscaped interface with the neighbour.

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

Principle 3: Density

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

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

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

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

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

The proposal is considered acceptable with regard to sustainable design as follows:-

- BASIX Certificates have been provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan has been provided indicating appropriate management and disposal of materials from the demolished dwellings.
- The development has been appropriately designed with regard to solar access and natural ventilation. Water harvesting with a tank is provided for landscaping.
- An 8Kw solar system is proposed.
- The proposal will not have an unreasonable impact on any heritage items or environmentally sensitive areas.
- The proposal is an efficient use of land in a location that is close to services, employment and public open space.

Principle 5: Landscape

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

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

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

The proposal provides suitable trees and landscaped areas within communal open space to enhance amenity of the occupants, soften the appearance of the development from adjoining properties and the public domain and offer opportunities for some urban habitat and infiltration of stormwater. The

proposed development appropriately integrates soft landscaping throughout the development thereby significantly increasing the deep soil areas and vegetation on the site. 21.6 % of the site area is a dedicated deep soil zone which greatly exceeds the minimum of 7% required by the ADG.

Three trees are required to be removed for the proposed development. Monteroy Pine Tree and Umbrella Tree are proposed for removal and these trees are both exempt species. A native Eucalypt tree is also proposed to be removed at the rear of the property. Council's Landscape Officer has reviewed the application and provided conditionally satisfactory referral advice.

Principle 6: Amenity

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

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

A high level of amenity is provided for the occupants of the development with the development providing complying apartment sizes and practical room dimensions and configurations. Corridor access to apartments on three levels is open to under-croft 'void' for natural light and air. The width of this under-croft 'void' has been reduced from 4440mm to 2200mm. The 'void' is 'protected' by Unit 17 on level 3.

The private open space provided for each apartment complies with the minimum required. Internal and basement storage is also provided for each apartment.

The design of the development ensures a reasonable level of privacy for both the residents of the building and surrounding residents. Cross ventilation and solar access are compliant. The setbacks of the development comply with the building separation requirements of the ADG and the DCP.

Principle 7: Safety

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

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

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

The statement prepared by Building Innovations Australia has been submitted that concludes the development is capable of achieving compliance with the performance requirements of the BCA without significant changes to the building envelope and is suitable for DA purposes.

Principle 8: Housing diversity and social interaction

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

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

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

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

Principle 9: Aesthetics

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

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

The proposal is considered to be of a high quality with regard to its appearance. A mixture of materials and finishes is provided and the bulk of the development is suitably articulated. Appropriate treatment of the streetscape is proposed having regard to the character of development in the locality. The proposal has been amended in response to the suggestions provided by the Design Review Panel and is now capable of support. Note ADG compliance table provided at **Attachment 5.**

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

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

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

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B2 Local Centre, as shown in Figure 3.

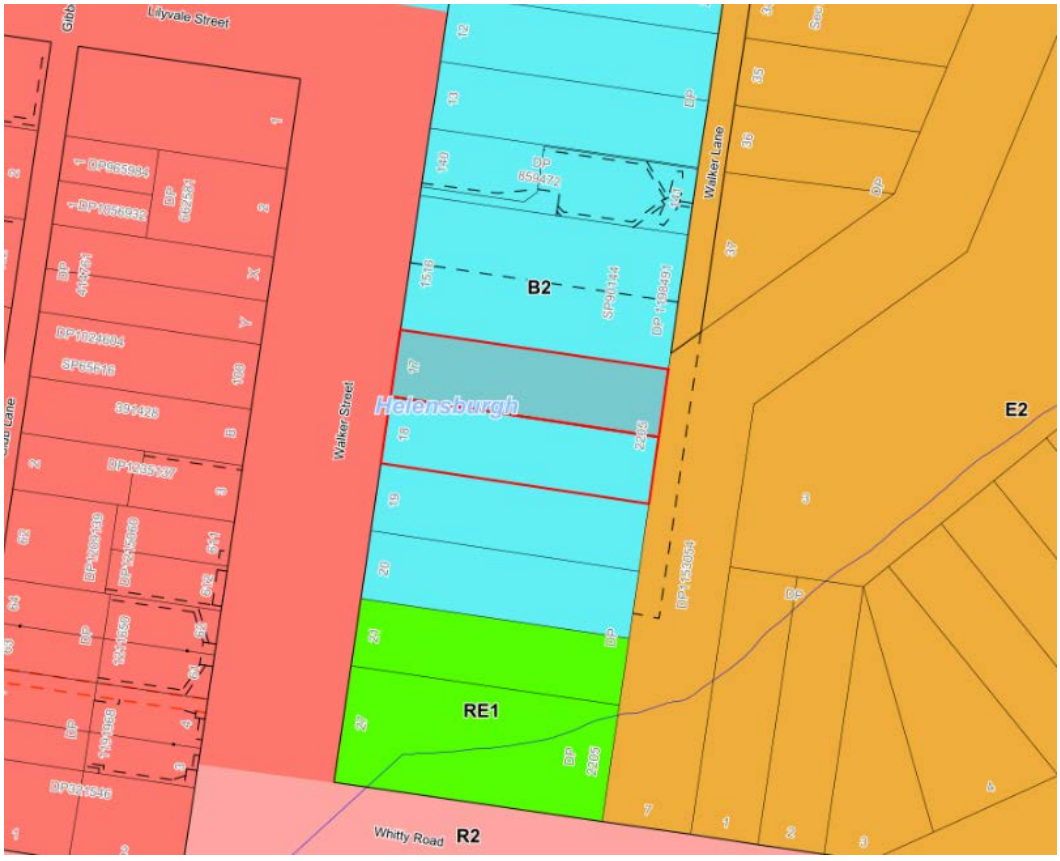


Figure 3: WLEP 2009 zoning map

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B2 Local Centre.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.*

The proposal is satisfactory with regard to the above objectives.

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

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

The proposal is categorised as a shop top housing and commercial premises as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

commercial premises *means any of the following:*

(a) business premises,

(b) office premises,

(c) retail premises.

business premises *means a building or place at or on which:*
(a) An occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
(b) A service is provided directly to members of the public on a regular basis.

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

Note. *Shop top housing is a type of* ***residential accommodation****—see the definition of that term in this Dictionary.*

Clause 2.6 Subdivision – consent requirements

Subdivision is not sought as part of this application.

Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing structures is sought as part of the subject application.

Part 4 Principal development standards

Clause 4.3 Height of buildings

Part of the building achieves a maximum height of 13.99 metres, which exceeds the maximum building height of 12 metres, which has been addressed at Clause 4.6.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	**1.5:1**	
Site area- both lots:	1,858 m²	
	GFA	1983.3 m²
FSR:	= **1:07:1**	

The proposal is compliant.

	Level 0	**Level 1**	**Level 2**	**Level 3**	**Total GFA**
Commercial	164.926	156.368	0	0	321.294
Foyer/other					229.92
Apartments	277.7	341.25	604.435	208.7	1432.09
Total					**1983.3**

Clause 4.6 Exceptions to development standards

The subject development seeks an exception to the building height development standard for a portion of the building and an exception to certain land within business zones in that some residential development is located on the ground floor at the rear of the building. The applicant has submitted a Clause 4.6 exception request statement for both matters, which is included at **Attachment 6**.

The below table outlines Council's assessment:

WLEP 2009 Clause 4.6 proposed development departure assessment	
Development departure	**Clause 4.3 Building Height**
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	Justification as provided by applicant at **Attachment 6.**
that there are sufficient environmental planning grounds to justify contravening the development standard.	Justification as provided by applicant at **Attachment 6.**
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters	The statement submitted by the applicant is considered to have adequately addressed the matters required to be demonstrated, in that

required to be demonstrated by subclause (3), and	compliance to the development standard is unnecessary or unreasonable in the circumstances of the case. • The proposed development consistent with the WLEP 2009 objectives for building height • The proposed development is consistent with the objectives of the B2 Local Centre zone. • The proposed building height provides an appropriate height transition which responds to the local topography as detailed above. The non-complying areas of the building are setback from the street and will not contribute to an excessive bulk and scale when viewed from the street. In this regard requiring compliance is unnecessary as it would not result in a development that achieves greater compatibility or consistency with the adjoining development to the north or future development to the south. • The proposed height non-compliance does not result in any unreasonable impacts on the amenity of the surrounding properties as detailed in this Statement. The shadow impact is largely unavoidable due to the orientation of the allotments and the heights permitted. The subject site is affected by the shadow cast by 61-63 Walker Street and the proposed development will cast a similar shadow over 69-71 Walker Street. The proposed height exception does not result in any significant additional shadowing of the site to the south noting that the limited building footprint helps to maintain solar access to the rear open space of these properties. • A main area of non-compliance is the skylight window within the living room ceiling of Unit 17 that assists in maximising solar access to this unit. The deletion of the skylight window would reduce the amenity of this apartment without any real benefit to the streetscape or the amenity of the surrounding properties. As such requiring compliance for this element of the building is unnecessary.
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the height standard and land use. As discussed above, the statement has satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that that there are sufficient environmental planning grounds specific to the site to justify contravening the development standard. The requested departure from the development standard will not hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the EP&A Act. It is considered that strict numerical compliance with the building height development standard in the context of the proposal site would not result in any significant public benefit.
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the LPP assumes the Secretary's concurrence.

Development departure	**Clause 7.13 Certain land within business zones**
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	Justification as provided by applicant at **Attachment 6.**
that there are sufficient environmental planning grounds to justify contravening the development standard.	Justification as provided by applicant at **Attachment 6**.
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The statement submitted by the applicant is considered to have adequately addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case. The exception can be supported in this case for the following reasons: • The development meets the objective of the standard despite part of Level 0 being used for the purpose of residential accommodation. • The provision of a greater proportion of commercial floor space on Level 1 would not of itself result in improved street activation. • The provision of commercial floor space for the rear of the basement level and the rear of Level 0 would not contribute to the attainment of the objective of the standard. • The provision of additional residential uses to the rear of Level 0 contributes to the presence and movement of people at street level.
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the standard as follows: The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the B2 Zone. As discussed above, the statement has satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that that there are

	sufficient environmental planning grounds specific to the site to justify contravening the development standard. The requested departure from the development standard will not hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the EP&A Act. It is considered that strict compliance with the **Certain land within business zones** development standard in the context of the proposal site would not result in any significant public benefit.
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the LPP assumes the Secretary's concurrence.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site is serviced by electricity, water and sewage services.

Clause 7.6 Earthworks

The proposal comprises earthworks to facilitate construction of the building and associated car parking. Conditions are recommended in this regard.

Clause 7.13 Certain land within business zones

The proposal provides commercial space at ground floor level and at least one entrance and at least one other door or window on the front of the building facing the street in accordance with this control. However, the rear of the building at ground floor contains a residential component as outlined at Clause 4.6 Exceptions to development standards.

Clause 7.14 Minimum site width

The proposal achieves the minimum site width of 24 metres. The site has a frontage of 30.48 metres to Walker Street.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as a BASIX certificate has been submitted detailing the energy and water saving targets that will be implemented in the development.

CHAPTER B3: MIXED USE DEVELOPMENT

This chapter of the DCP outlines the objectives and controls which specifically apply to mixed use development. The proposed development is a mixed use development as it involves ground floor offices / business premises and upper level residential apartments. Therefore, this Chapter applies; notwithstanding compliance under SEPP 65. Refer to ADG compliance table at **Attachment 5.**

Controls/objectives	*Comment*	*Compliance*
4.1 Minimum Site Width		
The minimum site width required for mixed use development is 24m. The site has a frontage of 30.48 metres to Walker Street. The development of the lot will not result in the creation of an isolated allotment.		Yes
4.2 Maximum Floor Space Ratio / Density		
The development does not exceed the 1.5:1 maximum floor space ratio allowed for the site with 1.07:1 proposed. It is considered that the bulk and scale of the proposed building is compatible with the surrounding built form and of a density with regard to the context of the site.		Yes
4.3 Building Height		
A Clause 4.6 request to vary the Height of Buildings standard is included. The design of the building integrates with the existing streetscape and the desired future character of the area. The proposal will not result in any adverse amenity impacts with regard to solar access and privacy.		Refer to Clause 4.6
4.4 Front Setbacks		
Within the B2 local centre zone the building should be located on the front property boundary, where a continuous façade along main commercial streets is desired. The street level has a nil setback to Walker Street and Level 2, consistent with the adjoining building to the north at 61-63 Walker Street.		Yes
4.5 Side and Rear Setbacks / Building Separation		
Pursuant to Section 4.5.2 of Part B3 within the B2 Local Centre zone a continuous street line/zero side setback is required for the majority of mixed-use development within a B2 Local Centre, except in cases where a subject site directly abuts residentially zoned land. Land on both the northern and southern sides of the site is zoned B2 local centre; however, the land to the south has not yet been developed. A nil side setback is proposed to the northern boundary for the commercial tenancy, commercial storage area and basement. The setbacks to the residential component of the development comply with the building separation requirements of the ADG. A nil setback is proposed to the basement. A 3.5-6.4 metre setback is proposed to the building from the southern boundary. The minimum rear setback for any mixed-use development shall be 6 metres from the common property boundary within any directly abutting residentially zoned property. A 6-metre setback is also required where a habitable room/balcony faces and adjacent property. The proposed development has a complying rear setback of 14.290 metres.		Refer to ADG compliance table
4.6 Built Form		
The proposal is of a siting, form, height and design generally in keeping with the character of the area that is undergoing transition. The building has been designed by a qualified designer in accordance with SEPP 65. The articulation of the façade has been achieved through the considered fenestration of the elevations, the inclusion of louvered privacy screens to balconies and the use of varied colours and materials for		Refer to ADG compliance table

Controls/objectives	*Comment*	*Compliance*
	specific components of the development. Modulation of the facades reduces the building bulk and articulates the varied apartment layout within the development. The development incorporates a 3.3 metre floor to ceiling height for the ground floor commercial tenancy. A 3.3 metre floor to ceiling height has not been provided on the first floor. Therefore, the first floor residential development does not strictly comply; however, refer to ADG assessment under SEPP 65 at Attachment 2. Commercial floor space is proposed on part of the ground level. The quantum of floor space is appropriate given the size of the local centre and the proximity of the site from the core of the centre. A separate pedestrian entrance is provided to the commercial component of the development. The residential entrance to the development directly faces the street. The entrance for the business premise is located on the street frontage. A separate entrance for the units is located on the Walker street frontage. The servicing of the residential units and the other uses are separate. Habitable rooms of the units at the front of the development are orientated towards the street and provide casual surveillance. The design adds variety and interest and the roof form is integrated into the design of the building. The building is considered to maintain the balance of horizontal and vertical proportions of other existing buildings in the locality. A schedule of proposed external building materials and finishes has been provided and is satisfactory.	
	4.7 Active Street Frontages	
	An active ground floor frontage is proposed as required. A glazed shopfront is provided to the entire 15.8 metre frontage of the commercial tenancy. The street frontage contain clear glazing and entry to the ground floor uses.	Yes
	4.8 Awnings	
	A continuous street front awning is provided along the entire length of Walker Street but for the driveway entrance. The awning is setback from the kerb 605mm and has a width of 3 metres. Under the awning lighting will be conditioned.	Yes – to be conditioned lighting
	4.9 Car Parking	
	Refer to discussion in Chapter E3 in WDCP 2009.	Yes
	4.10 Basement Car Parking	
	Due to the slope of the site, carparking is provided from the street under the residential component of the building. This will require excavation and fill to provide a level area. The basement level is allocated to car parking for the residential and commercial components of the building. Whilst the basement is not residential accommodation it is associated with the residential accommodation on site and is addressed in the Clause 4.6 request.	Yes
	4.11 Driveways	
	The proposed driveway for the development is located greater than 6m from an intersection. As Walker Lane does not extend to the rear of the site, driveway access to the site is proposed from Walker Street. The driveway has a nil setback from the side boundary, consistent with the driveway approved at 61-63 Walker Street. The	Yes

Controls/objectives	*Comment*	*Compliance*
Traffic Impact Assessment that accompanies the application addresses the driveway's compliance with AS2890.1.The design of the driveway and crossover is considered satisfactory as reviewed by Council's Traffic Officer subject the conditions.		
4.12 Landscaping		
Due to the design and siting of the proposed residential and commercial component it is considered there are limited opportunities if any for overlooking between the uses. Deep soil zone is provided at the rear of the development. A footpath is proposed along Walker Street. A Landscape Plan prepared by Conzept Landscape Architects accompanied the application. The proposed landscaping including the raised planters assist in minimising overlooking of the adjoining properties.		Yes
4.13 Communal Open Space		
Part 4.13 of the DCP provides that mixed use developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at the rate of 5m2 per dwelling. Any area to be included in the open space calculations must have a minimum width of 5 metres. As 17 apartments are proposed the development must provide a minimum of 85 square metres of communal open space. The proposed development greatly exceeds the minimum required with a 227 square metre communal open space area (with dimensions 10.4 x 23.1 metres) provided on Level 0 and 435.56 square metres provided on the basement level. The total communal open space area on the site is 827 square metres or 44.5% of the site area.		Yes
4.14 Private Open Space/ 4.15 Solar Access		
Private open space and solar access have been assessed under the ADG guidelines. Pursuant to Part 4.14 each balcony must have a minimum area of 12m2 open space and a minimum width of 2.4 metres. The DCP also states that the primary balcony of at least 70% of the residential dwellings within a mixed-use housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21. Clause 6A of SEPP 65 applies in respect of the objectives, design criteria and design guidance set out in the ADG for solar and daylight access and private open space and balconies. Pursuant to subclause (2) if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. The development complies with the private open space and solar access requirements of the ADG. Refer to ADG assessment under SEPP 65 at Attachment 2		Refer to ADG compliance table
4.16 Visual privacy		
The building is sited and orientated to provide for visual privacy. Privacy measures have also been included in the design to minimise any overlooking impacts and do not comprise access to sunlight or natural ventilation. Overall the proposal will maintain a reasonable level of amenity for future occupants and adjoining residents. Refer also to ADG assessment under SEPP 65		Refer to ADG compliance table

Controls/objectives	*Comment*	*Compliance*
4.17 Acoustic privacy		
The units have been arranged within the building to minimise noise transition within minimal shared walls and locating similar areas/rooms next to each other.		Yes
4.18 Adaptable Housing		
Within a mixed-use development incorporating more than six (6) dwellings, 10% of all dwellings (or a minimum of 1 dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure that visitability is achieved. Two apartments (Apartments 1 and 5) are adaptable dwellings. Two adaptable spaces are proposed within the basement for these apartments.		Yes
4.19 Residential Component - Apartment Mix and Layout		
The development incorporates a mix of apartments (3 x 1 bedroom, 10 x 2 bedroom and 4 x 3 bedroom). 17% of the apartments are 1-bedroom apartments, consistent with the DCP requirements for a minimum of 10% of apartments to be one bedroom and/or studio apartments to provide affordable housing opportunities. All apartments comply with the minimum apartment size requirements of the ADG. A minimum 3.3 metre floor to ceiling height is proposed for the ground floor retail tenancy. A minimum ceiling height of 2.7 metres is proposed for all apartments.		Yes
4.20 Natural Ventilation		
Over 65% of apartments are naturally cross ventilated. Where possible dual aspect apartments have been provided. Refer to ADG assessment under SEPP 65.		Yes
4.21 Adaptive Re-use		
Not applicable.		N/A
4.22 Crime Prevention Through Environmental Design (Safety and Security)		
The proposal has been designed to allow for casual surveillance opportunities, with the entrances located and easily identifiable. Areas of concealment have been minimised and adequate lighting is to be provided via suitable conditions.		Yes
5 GENERAL REQUIREMENTS FOR ALL MIXED USE DEVELOPMENT		
5.1 Floodplain Management		
The site is not identified to be flood affected.		N/A
5.2 Land Re-Shaping Works (Cut and Fill Earthworks)		
Excavation works will be required for the development and are not considered to compromise adjoining structures/buildings of the stability of the land. The application has been reviewed by Council's Development Engineer and the proposed stormwater disposal and works are considered satisfactory subject to conditions proposed. Including a dilapidation report for the protection of adjoining properties, and protection of excavations.		Yes

Controls/objectives	*Comment*	*Compliance*
5.3 Retaining Walls		
The required retaining walls are shown on the architectural plans and are integrated into the building design.		Yes
5.4 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.		Yes
5.5 Fences		
None proposed		Yes
5.6 Access for People with a Disability		
Refer to discussion in Chapter E1 of WDCP 2009.		Yes
5.7 Services		
The site is already connected and serviced by the required utilities. It is considered the relevant services can be readily extended or augmented if required for the proposed development.		Yes
5.8 Swimming Pools		
No swimming pool is proposed.		N/A
5.9 Fire Brigade Servicing		
Conditions with be included in any consent to ensure the development can be adequately serviced by fire fighting vehicles.		Yes
5.10 Site Facilities		
Site facilities will be conditioned.		Yes
5.11 Storage Facilities		
Adequate storage has been provided. Refer to ADG assessment under SEPP 65		Yes
5.12 Waste Management		
Refer to discussion in Chapter E7.		Yes

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. Noting compliance under SEPP 65 is contained within the ADG compliance table at Attachment 2.

2 Objectives

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

3. Retail and business centre hierarchy strategy

3.6 Town Centres – Helensburgh.

The proposal is generally consistent with the objectives of the Helensburgh town centre. The proposed business premise does not seek the first use as part of this development application. The proposed business premises will cater for surrounding community.

4 Economic impact assessment – retail hierarchy

Not applicable, as the proposal does not involve retail development involving a gross floor area of 3,500sqm or more.

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

N/A

6 Planning requirements for development in the major town centres

N/A

7 Planning requirements for development in the town centres

7.1 Helensburgh Major Town Centre

The draft Helensburgh Town Centre Plan has not yet been exhibited. The following precinct controls are relevant:

7.1.1 General

1. The proposal is located in Precinct 1 where retail and business premises are located.

Maximum Floor Space Ratio (FSR) and Maximum Building Height

Maximum FSR - 1.5:1 - The development has a complying FSR of 1.07:1.
Maximum Building Height is addressed under the Clause 4.6. Max. Number of Storeys - 3 Storeys. The development is generally 3 storeys and appears three storeys from the street; however, due to the steep slope of the site, there are portions of the building four storeys.

On the north and south elevations the additional level will result in the building being four storeys in height for a limited section of the length of the building as the basement extends more than 1.2m above ground level. This is has occurred due to the topography of the land. It is noted that this will not be apparent form Walker Street. The proposal meets the objectives of this clause and height is addressed under the Clause 4.6 request.

Front Building Setback

The first two storeys of the building as viewed from the street are to be built to the front boundary. The third level is setback 5 metres from the front property boundary, which complies. A continuous cantilevered awning is to be provided along the Walker Street frontage as required.

Side and Rear Setbacks

Zero side setbacks are proposed for the basement and commercial components of the development. Varied side setbacks are proposed for the residential component of the development to comply with the DCP and ADG setback requirements.

Car Parking and Access

The site cannot be accessed from the rear, as Walker Lane is not formed to extend to the rear of the site. It is proposed to access the side from Walker Street as was approved for the development immediately north of the site at 61-63 Walker Street.

8 Planning requirements for development in the village (local convenience) centres

N/A

9 General design requirements for retail and business premises developments

9.1 Objectives

The proposal is considered general consistent with the objectives of this control.

9.2 Development Controls

9.2.1 Floor Configuration

The ground floor of the development is considered to be of a level to allow for an even transition from the building and the footpath. The business development on the ground floor is less than 20m in depth. The floor to ceiling height for the ground floor is 3.3m. The rear of the basement is located at ground level. The basement level is allocated to car parking for the residential and commercial components of the building.

9.2.2 Building Appearance

The proposal has a building appearance that will not be out of character with the transitional nature of the B2 zoning of the site and consistent with the controls. The building is considered to be well articulated and does not exceed the building height controls. A schedule of the proposed external building materials and finishes has been submitted with the application.

9.2.3 Building Alignment

The design of the proposed generally reflects the conditions of the site and immediate locality. The building will be of a nil setback to Walker Street frontage. The business premise has access from the street and separate access is provided to all residential levels from the street. Car parking provided at basement level.

9.2.4 Active Street Frontages

The proposal provides for an active street frontage at ground level and not more than 5m of ground floor wall without an opening. There is no use sought for the first use as part of this application. The street frontage windows are proposed with clear glazing for a length of 15.8 metres (this includes a pedestrian entry) and a separate pedestrian entry to the residential component of the building is provided.

9.2.5 Urban Design / Streetscape Appearance

The proposal is of a siting, form, height and external appearance generally in keeping with the character of the area that is undergoing transition. The development provides articulated facades to add visual interest to the building.

A business premise is proposed on the ground floor fronting Walker Street. The proposed building has been designed to address the street and well-articulated to provide visual interest.

A schedule of proposed external building materials and finishes has been provided and is satisfactory.

9.2.6 Pedestrian Access

The proposal does not provide general pedestrian access through the site.

9.2.7 Awnings

Addressed at Chapter B3

9.2.8 Public Domain – Footpath Paving

No street furniture is proposed: however, a footpath is proposed along Walker Street frontage. Conditions will be included in any consent that the footpath paving treatment is considered to the Public Domain Technical Manual.

9.2.9 Solar access and overshadowing

The proposal will minimise overshadowing impacts on adjoining properties and solar access is maintained for nearby residential dwellings. Refer to ADG assessment under SEPP 65.

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

Due to the size and use of the ground floor development these facilities are not required.

9.2.11 Advertising Signage

SEE SEPP 64 and Chapter C1.

9.2.12 Wind Impact Assessment

Not required as the building is not a height of 32m.

9.2.13 Access, Car parking and Servicing

See Chapter E3 for discussion.

9.2.14 Access for People with a Disability

See Chapter E1 for discussion.

9.2.15 Land Consolidation

The development is proposed on one single lot and therefore no land consolidation required.

10 General design requirements for retail shopping centres

The proposal does not involve a retail shopping centre.

11 General building design requirements for fast food restaurants

The proposal does not propose a fast food restaurant.

12 Peripheral sales (bulky goods) precincts

The proposal is not for bulky goods retailing.

13 Works in the public domain

A footpath is proposed along the frontage to Walker Street, conditions will be included in any consent that the footpath paving treatment is considered to the Public Domain Technical Manual.

CHAPTER B2 – RESIDENTIAL SUBDIVISION

The proposal does not include subdivision.

CHAPTER D1 – CHARACTER STATEMENTS

<u>Helensburgh</u>

Future Desired Character

Helensburgh has one of the highest growth rates in the Wollongong Area. This growth is likely to continue over the next 5 – 10 years. The mix of dwelling styles in Helensburgh is likely to remain given that the new release area subdivisions are likely to contain larger contemporary style dwellings whilst the older settlement areas will contain a mix of older weatherboard, fibro and brick dwellings with the replacement of some older dwelling stock with larger two storey contemporary designed dwellings. Shop top housing will also be encouraged within the Helensburgh town centre. The Helensburgh town centre is likely to comprise of up to 20,000m2 of retail floor space and will serve a trade area population of approximately 10,000 – 20,000 people. The centre will focus on the provision of weekly and daily convenience goods and services to cater for the needs of the surrounding community but will also provide a limited range of non-retail professional and non-retail personal services such as dry cleaning and Australia Post. The centre will be anchored by a at least one to two medium scale to full line supermarket(s) and is likely to also include a fruit and vegetable store, bakery, butcher and a limited range of non-retail services including pharmacy, hairdressers, medical practitioners, video / entertainment hire outlet etc. Higher order retailing and business services are likely to continue to be

provided between Wollongong City Centre and Corrimal town centre as well as the southern Sydney suburbs of Engadine, Miranda, Sutherland and Kogarah. Conservation of significant bushland and protection of downstream water quality will remain important priorities for Helensburgh.

The proposed development has considered this chapter of the DCP. The proposal is considered to be sympathetic with the desired future character of Helensburgh.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Control/objective	*Comment*	*Compliance*
3.1 Lighting	Indicative lighting details have been proposed.	Yes
3.2 Natural surveillance and sightlines	The design of the development provides for passive surveillance and good sightlines to the entries of each unit.	Yes
3.3 Signage	No specific signage has been proposed for the development.	Yes
3.4 Building design	The design has the entries clearly defined and easily identifiable. No blank walls are proposed. Overall it is considered the proposal minimises the potential areas for entrapment and provides for casual surveillance internally within the site.	Yes
3.5 Landscaping	Landscaping proposed will not obscure entry points and windows.	Yes
3.6 Public open space and parks.	The proposal does not adjoin public open space/park.	N/A
3.7 Community facilities and public amenities	The proposal is for shop top housing.	N/A
3.8 Bus stops and taxi ranks	The proposal does not relate to a bus stop/taxi rank.	N/A

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

Access and parking is provided in accordance with this Chapter. Council's Traffic Officer has no objections subject to recommended conditions.

Residential

- 27 residential car parking spaces (including 2 spaces capable of adaption for people with disabilities)
- 4 residential visitor car parking spaces
- A minimum of 2 residential motorcycle parking spaces
- A minimum of 6 secure (Class B) residential bicycle spaces
- A minimum of 1 residential visitor bicycle spaces (Class C)

Commercial

- 5 commercial car parking spaces (including 1 car parking space for people with disabilities)
- A minimum of 1 commercial motorcycle parking spaces
- A minimum of 1 secure (Class B) employee bicycle spaces
- A minimum of 1 commercial visitor bicycle spaces (Class C)

The number of spaces provided for the proposal complies with the requirements in this chapter. Identified separation of areas of use (commercial and residential). There is adequate manoeuvring area for the vehicles to enter and exit the site in a forward direction.

CHAPTER E6: LANDSCAPING

Proposed landscaping is compliant with the requirements of this Chapter. Council's Landscape officer has reviewed the application and provided satisfactory referral advice with the imposition of conditions.

CHAPTER E7: WASTE MANAGEMENT

A Demolition Plan and Site Waste Minimisation and Management Plan provided as required by this Chapter outlining ways to minimise and manage waste during demolition/construction and operational waste.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Engineer has assessed the application and has provided satisfactory referral advice with the imposition of conditions.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Three trees are required to be removed for the proposed development. Council pre-lodgement advice notes that Council has no objection to the removal of trees within 3 metre of existing structures including the Monteroy Pine Tree and Umbrella Tree as these trees are both exempt species. Council has indicated an Arborist Report is not required for the large Eucalyptus to the rear of the property. A Landscape Plan prepared by Conzept Landscape Architects was provided. The application was referred to Council's Landscape Officer and conditionally satisfactory referral advice was provided.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The development is stepped down the sloping site and as such, standard earthworks are required to prepare the site for the development. Council's Development engineer has reviewed the application and conditionally satisfactory referral advice was provided.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

No concerns are raised in regard to contamination. See Section 2.1.1.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The proposal involves demolition of all structures on site and a Site Waste Management Plan has been submitted. Standard demolition and asbestos management conditions will be imposed on any consent to be issued including unexpected finds protocol.

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.

2.4 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is >$100,000 ($5 977 947.00) and a levy of 1% is applicable under this plan as the threshold value is $100,000.

Proposed cost of carrying out development *(Determined in accordance with Clause 18 of this Plan)*	Levy Rate
Up to and including $100,000	Nil
More than $100,000 and up to and including $200,000	0.5%
More than $200,000	1%

2.5 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

2.6 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 will be imposed with regard to demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable

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

Context and Setting:

The matters such as height, FSR, overshadowing, privacy concerns, bulk scale and setbacks are all acceptable and have been addressed throughout the report. In regard to the visual impact, the development is considered to be largely in harmony with the surrounding buildings and character of the street. The area is characterised by a mixture of commercial developments. It is likely that more high density developments will occur in future given the height and FSR maximums for the area. The scale of the development as viewed from the street is comparable to other developments in the locality, notably the shop top housing development on Walker Street to the north of the site.

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

Access, Transport and Traffic: The development provides for the required number of car parking spaces and manoeuvring. Council's Traffic officer has considered the development with regard to impacts on the wider traffic network, and raised no objections to the proposal.
Public Domain: The development is considered unlikely to result in impacts on the public domain with regard to the bulk and scale.
Utilities: The proposal would not be envisaged to place an unreasonable demand on utilities supply.
Heritage: The site is not located in the visual catchment of any nearby heritage items.
Other land resources: The proposal would not be envisaged to impact upon valuable land resources.
Water: The site is presently serviced by Sydney Water, which could be readily extended to meet the requirements of the proposed development. The proposal would not be envisaged to have unreasonable water consumption.
Soils: The proposal would not be expected to result in negative impact on soils.
Air and Microclimate: The proposal would not be expected to result in negative impact on air or microclimate.
Flora and Fauna: Councils Landscape Officer has considered the proposed development and raised no objection subject to conditions. Conditions have been recommended.
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 would not be expected to have unreasonable energy consumption. A BASIX Certificate has been provided. See Section 2.1.3.
Noise and vibration: A condition will be attached to any consent granted, that nuisance be minimised during any construction, demolition, or works.
Natural hazards: The site is identified as bushfire affected. The application was referred to the NSW Rural Fire Service and conditionally satisfactory referral advice was received, which will form consent conditions.
Technological hazards: There are no technological hazards identified on site that would preclude the proposed development.

Safety, Security and Crime Prevention: There are no concerns with regard to safety and security.
Social Impact: The proposal would not be envisaged to result in negative social impacts.
Economic Impact: The proposal is not expected to create negative economic impact.
Site Design and Internal Design: The application has an exception to the maximum height (partial) and ground floor residential uses (part of) requirement of WLEP 2009 development standards. It is considered that the exceptions are appropriate in this instance, as discussed in the body of this report. Considering the nature of the request and the mitigating of impacts, the exceptions are considered capable of support. Private open space, residential amenity, vehicular manoeuvring and pedestrian access have been accounted for in the design and site layout.
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. A condition would be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.
Cumulative Impacts: Considering the matters outlined throughout this report, the proposal is considered unlikely to result in adverse cumulative impacts.

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

Does the proposal fit in the locality?

The proposal is considered appropriate in relation to impacts on the amenity of the locality and/or adjoining developments as discussed in the body of this report.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Nil received.

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

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

3 CONCLUSION

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

It is considered that the applicant has provided adequate justification for the exception to both the WLEP 2009 development standards at clause 4.3 and clause 7.13 as discussed in the body of the report, which are both considered capable of support.

Satisfactory referral advice was provided by internal and external referral groups and there are no outstanding issues. It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that the development application DA-2019/756 be **determined** by way of **approval** subject to the conditions at **Attachment 7.**

5 ATTACHMENTS

1 Architectural Plans

2 Design Verification Statement

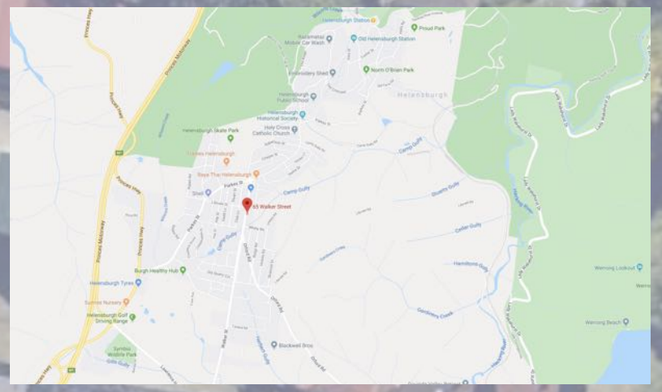
3 Design Review Panel notes

4 Wollongong Design Review Panel - Architectural response

5 ADG compliance table

6 Clause 4.6 Justification Statements

7 Conditions



LOCALITY PLAN

SITE PLAN
1:500 @ A3

0 2.0 4.0 6.0m

notes

all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.

rev	date	amendment
A	09.05.19	issue to Client
B	16.05.19	issue to Consultants
C	31.05.19	issue to Consultants
D	12.06.19	issue to Consultants
E	24.06.19	issue to Consultants
F	26.06.19	issue to Consultants
G	01.07.19	issue to Consultants
H	02.07.19	issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
K	25.10.19	issue to council

environa studio
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w: www.environastudio.com.au
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: SITE PLAN AND LOCALITY	stage: DA	project no.: 941	dwg no.: 020
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K

SITE ANALYSIS PLAN
1:750 @ A3

0 2.0 4.0 6.0m

notes
all work to be carried out in accordance with bca, saa codes and conditions of council.
measurements in mm's unless noted. use figured dimensions. do not scale drawings.
site measure before starting work.
refer all discrepancies to the architect.

rev	date	amendment
A	09.05.19	issue to Client
B	16.05.19	issue to Consultants
C	31.05.19	issue to Consultants
D	12.06.19	issue to Consultants
E	24.06.19	issue to Consultants
F	26.06.19	issue to Consultants
G	01.07.19	issue to Consultants
H	02.07.19	issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
K	25.10.19	issue to council

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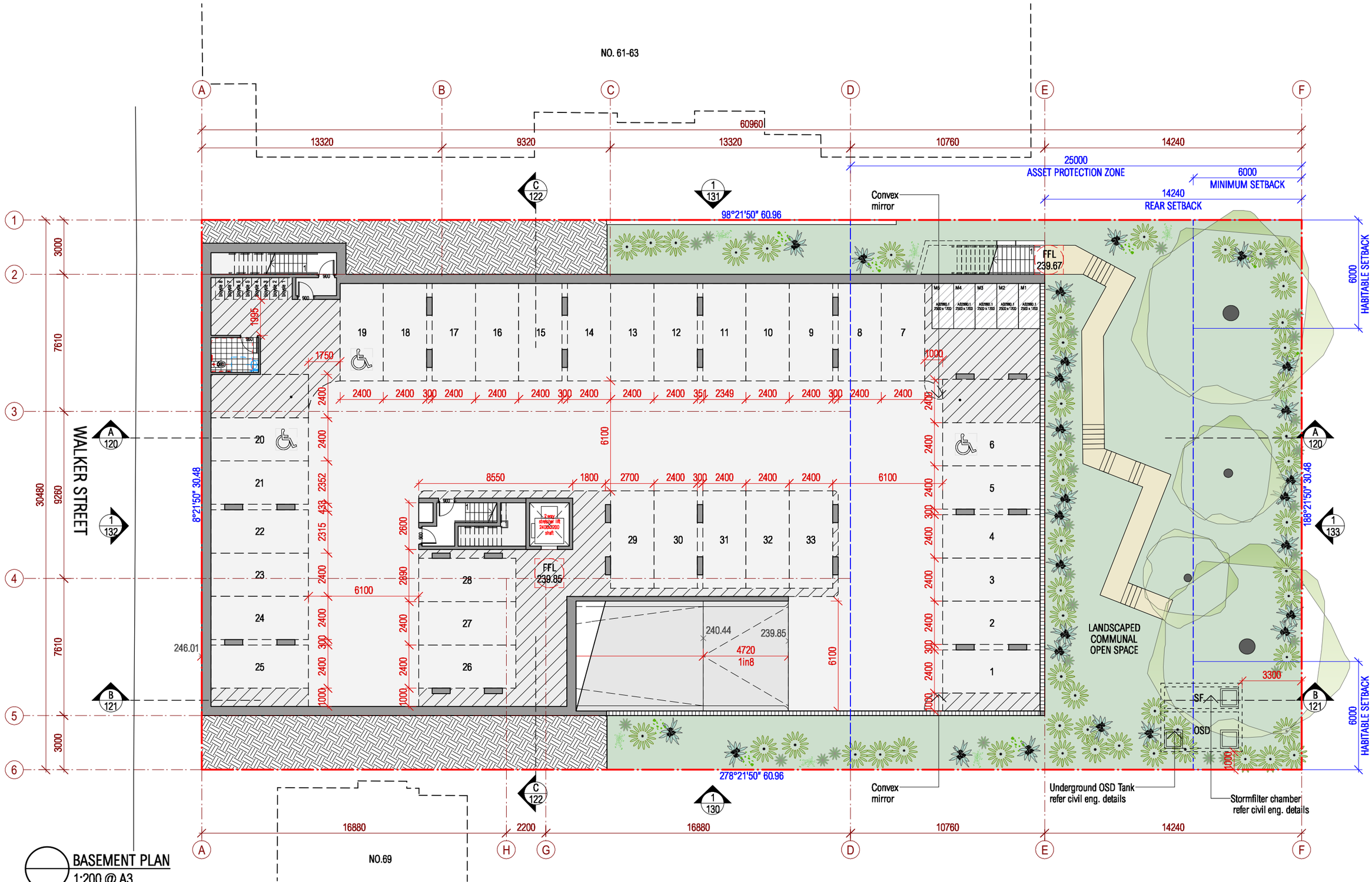
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: SITE ANALYSIS PLAN	stage: DA	project no.: 941	dwg no.: 021
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



BASEMENT PLAN
1:200 @ A3

0 2.0 4.0 6.0m

notes	rev	date	amendment	rev	date	amendment
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	09.05.19	Issue to Client	I	10.07.19	issue to consultants
	B	16.05.19	Issue to Consultants	J	22.07.19	DA issue to council
	C	31.05.19	Issue to Consultants	K	25.10.19	issue to council
	D	12.06.19	Issue to Consultants			
	E	24.06.19	Issue to Consultants			
	F	26.06.19	Issue to Consultants			
	G	01.07.19	Issue to Consultants			
	H	02.07.19	Issue to Consultants			

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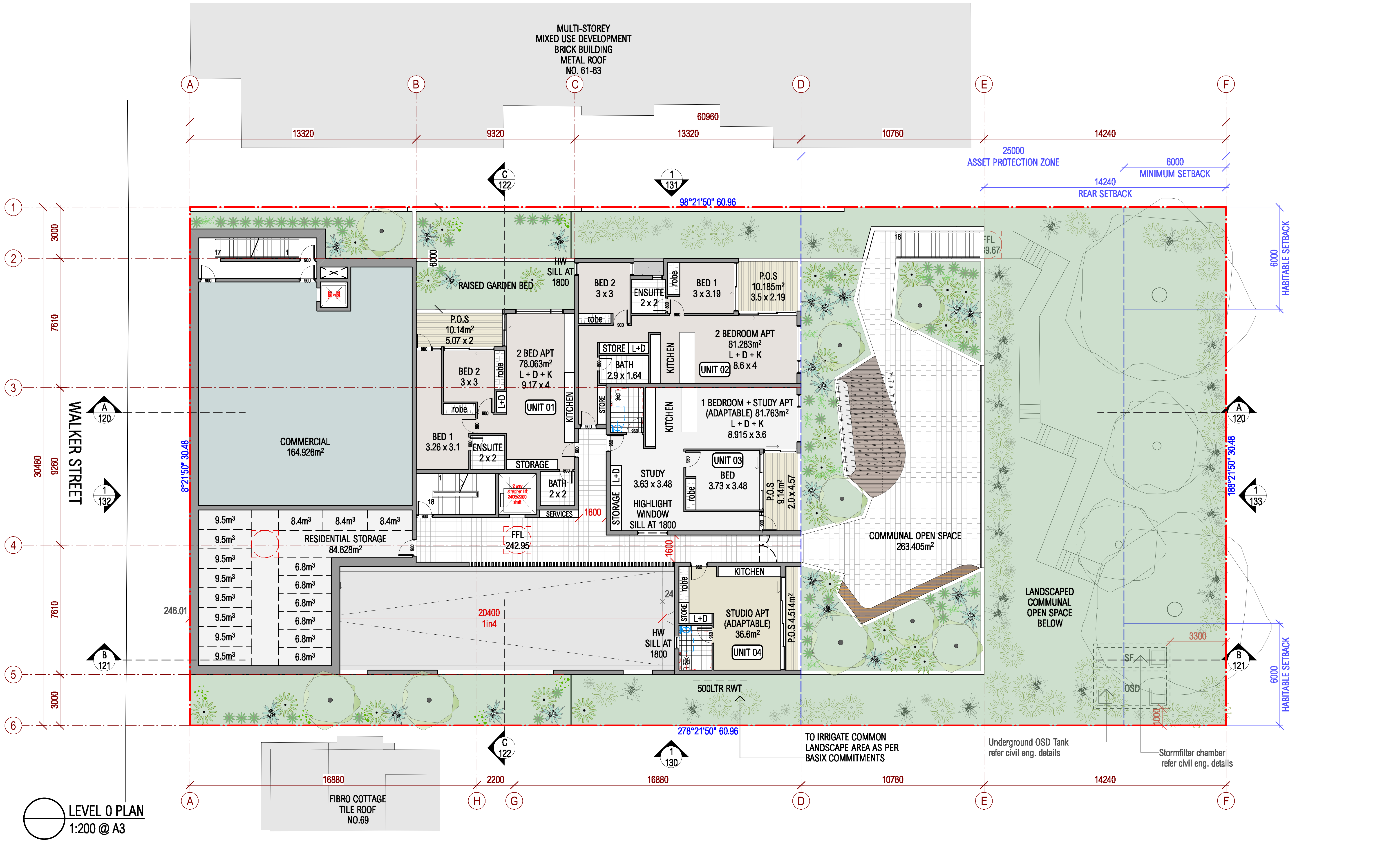
project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	BASEMENT PLAN	DA	941	101
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing	chkd TW drwn KR-GM	date 25/10/19	revision K



0 2.0 4.0 6.0m

notes

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A	09.05.19	Issue to Client
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D	12.06.19	Issue to Consultants
E	24.06.19	Issue to Consultants
F	26.06.19	Issue to Consultants
G	01.07.19	Issue to Consultants
H	02.07.19	Issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
K	25.10.19	issue to council

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architects registration number 6239

project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	LEVEL 0 PLAN	DA	941	102
for/client	at	drawing	chkd / drwn	date	revision
WALKER STREET HOLDINGS PTY LTD	HELENSBURGH		TW / KR-GM	25/10/19	K

MULTI-STOREY
MIXED USE DEVELOPMENT
BRICK BUILDING
METAL ROOF
NO. 61-63

A B C D E F

60960
13320 9320 13320 10760 14240

C 122 — 1 131

98°21'50" 60.96

1 2 3 4 5 6

30480 9260 7610 7610 3000

246.626 246.55 246.38 246.33 246.28 246.01

awning above

17 3 1

COMMERCIAL
14.77 x 12.82
FFL 246.08
156.368m²

COMM. BIN + STORE

RES. BINS STORE

8m³ BULKY GOODS

P.O.S
10.14m²
5.07 x 2

2 BED APT
78.063m²
L + D + K
9.17 x 4

UNIT 05

BED 2
3 x 3
robe

BED 1
3.26 x 3.1

ENSUITE
2 x 2

STORAGE

BATH
2 x 2

SERVICES

18

2 way stretcher lift 2400x2600 shaft

KITCHEN

L+D

HW
SILL AT
1800

6000

BED 2
3 x 3

ENSUITE
2 x 2

BED 1
3 x 3.19

P.O.S
10.185m²
3.5 x 2.19

2 BEDROOM APT
81.263m²
L + D + K
8.6 x 4

UNIT 06

STORE L+D

BATH
2.9 x 1.64

KITCHEN

STORE

BED 1
3.26 x 3

BED 2
3 x 3

P.O.S 12.435m²
4.9 x 2

ENSUITE
2.6 x 1.44

2 BEDROOM APT
86.79m²
L + D + K
9.26 x 4

UNIT 07

BATH
2.79 x 1.6

KITCHEN

3 BEDROOM APT
95.133m²
L + D + K
9.25 x 4

UNIT 08

BED 3
3.0 x 3.51

BATH
2.89 x 1.6

BED 2
3 x 3.45

ENSUITE
2 x 2

BED 1
3.19 x 3

P.O.S
12.076m²
4.15 x 2.19

COMMUNAL OPEN SPACE BELOW

LANDSCAPED COMMUNAL OPEN SPACE BELOW

188°21'50" 30.48

1 132 — 1 133

A 120 — A 120

B 121 — B 121

INDIVIDUALLY KEYED MAILBOXES

INTERCOM

6000 5400 1in20 100 410 20400 1in4

245.74 245.54

FHB

500LTR RWT

278°21'50" 60.96

TO IRRIGATE COMMON LANDSCAPE AREA AS PER BASIX COMMITMENTS

C 122 — 1 130

16880 2200 16880 10760 14240

A H G D E F

FIBRO COTTAGE
TILE ROOF
NO.69

LEVEL 1 PLAN
1:200 @ A3

0 2.0 4.0 6.0m

notes
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rev	date	amendment
A	09.05.19	Issue to Client
B	16.05.19	Issue to Consultants
C	31.05.19	Issue to Consultants
D	12.06.19	Issue to Consultants
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F	26.06.19	Issue to Consultants
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H	02.07.19	Issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
k	25.10.19	issue to council

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224 riley st surry hills 2010
t: 02 9211 0000
w: www.environastudio.com.au
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: LEVEL 1 PLAN	stage: DA	project no.: 941	dwg no.: 103	
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW	drwn: KR-GM	date: 25/10/19	revision: K

MULTI-STOREY
MIXED USE DEVELOPMENT
BRICK BUILDING
METAL ROOF
NO. 61-63

WALKER STREET

FIBRO COTTAGE
TILE ROOF
NO.69

98°21'50" 60.96
278°21'50" 60.96
8°21'50" 30.48
188°21'50" 30.48

60960
13320 9320 13320 10760 14240
16880 2200 16880 10760 14240
30480
3000 7610 9260 3000 7610 3000

P.O.S 10.185m² 3.5 x 2.19
BED 1 3 x 3.19
robe
ENSUITE 2 x 2
BED 2 3 x 3
2 BEDROOM APT 81.263m² L + D + K 8.6 x 4
UNIT 09
KITCHEN
L+D
STORE
BATH 2.9 x 1.64
P.O.S 12.435m² 4.9 x 2
BED 1 3.26 x 3
BED 2 3 x 3
ENSUITE 2.6 x 1.44
2 BEDROOM APT 86.79m² L + D + K 9.26 x 4
UNIT 10
BATH 2.79 x 1.6
3 BEDROOM APT 95.133m² L + D + K 9.25 x 4
UNIT 11
BATH 2.89 x 1.6
P.O.S 12.076m² 4.15 x 2.19
BED 1 3.19 x 3
BED 2 3 x 3.45
HW SILL AT 1800
P.O.S 10.14m² 5.07 x 2
2 BED APT 78.063m² L + D + K 9.17 x 4
UNIT 12
BED 1 3.26 x 3.1
STORAGE
BATH 2 x 2
2 way stretcher lift 2400x2200 shaft
SERVICES
FFL 249.78
BED 3 3.0 x 3.51
20400 1in4
UNIT 13
UNIT 14
UNIT 15
4000
6000

A 120
B 121
C 122
1 130
1 131
1 132
1 133

A B C D E F G H

LEVEL 2 PLAN
1:200 @ A3

0 2.0 4.0 6.0m

rev	date	amendment
A	09.05.19	issue to Client
B	16.05.19	issue to Consultants
C	31.05.19	issue to Consultants
D	12.06.19	issue to Consultants
E	24.06.19	issue to Consultants
F	26.06.19	issue to Consultants
G	01.07.19	issue to Consultants
H	02.07.19	issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
K	25.10.19	issue to council

notes
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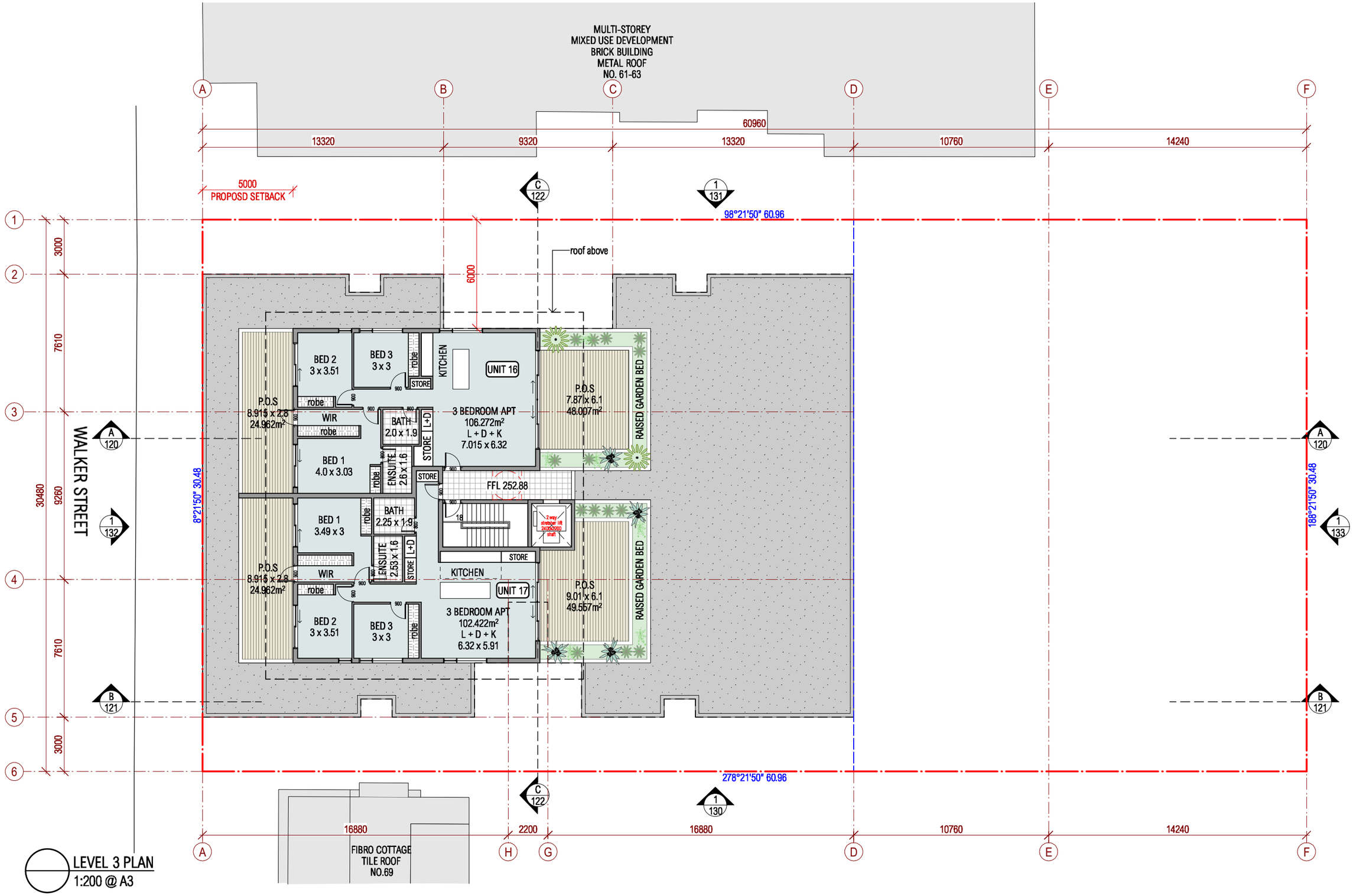
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: LEVEL 2 PLAN	stage: DA	project no.: 941	dwg no.: 104
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



LEVEL 3 PLAN
1:200 @ A3

0 2.0 4.0 6.0m

notes

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A	09.05.19	Issue to Client
B	16.05.19	Issue to Consultants
C	31.05.19	Issue to Consultants
D	12.06.19	Issue to Consultants
E	24.06.19	Issue to Consultants
F	26.06.19	Issue to Consultants
G	01.07.19	Issue to Consultants
H	02.07.19	Issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
K	25.10.19	issue to council

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224 riley st surry hills 2010
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architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: LEVEL 3 PLAN	stage: DA	project no.: 941	dwg no.: 105
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K

MULTI-STOREY
MIXED USE DEVELOPMENT
BRICK BUILDING
METAL ROOF
NO. 61-63

A B C D E F

60960
13320 9320 13320 10760 14240

5000
PROPOSD SETBACK

C 122
1 131

98°21'50" 60.96

1 2 3 4 5 6

3000 7610 3000
30480 9260 7610

8kw PV PANELS AS PER BASIX COMMITMENTS

POS BELOW
POS BELOW
raised garden bed below
LIFT OVERRUN
POS BELOW
highlight window
POS BELOW
raised garden bed below

8°21'50" 30.48
188°21'50" 30.48

A 120
1 132
A 120
1 133
B 121
B 121

278°21'50" 60.96

C 122
1 130

16880 2200 16880 10760 14240
A H G D E F

FIBRO COTTAGE
TILE ROOF
NO.69

WALKER STREET

ROOF PLAN
1:200 @ A3

0 2.0 4.0 6.0m

notes
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D	12.06.19	Issue to Consultants
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H	02.07.19	Issue to Consultants
I	10.07.19	issue to consultants
J	22.07.19	DA issue to council
K	25.10.19	issue to council

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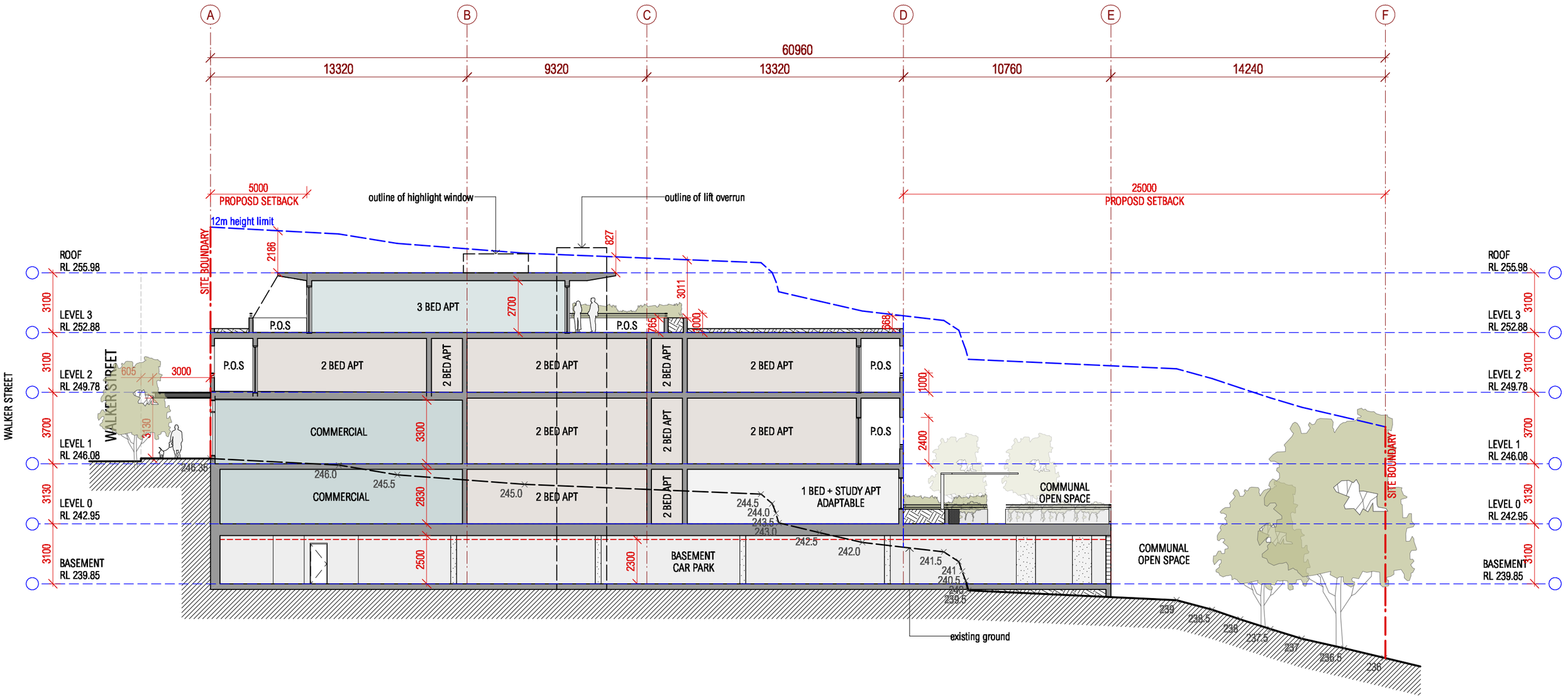
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: ROOF PLAN	stage: DA	project no.: 941	dwg no.: 110
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



SECTION AA
1:200 @ A3

	notes	rev	date	amendment	rev	date	amendment
	all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	09.05.19	Issue to Client	I	10.07.19	issue to consultants
		B	16.05.19	Issue to Consultants	J	22.07.19	DA issue to council
		C	31.05.19	Issue to Consultants	K	25.10.19	issue to council
		D	12.06.19	Issue to Consultants			
		E	24.06.19	Issue to Consultants			
		F	26.06.19	Issue to Consultants			
		G	01.07.19	Issue to Consultants			
		H	02.07.19	Issue to Consultants			

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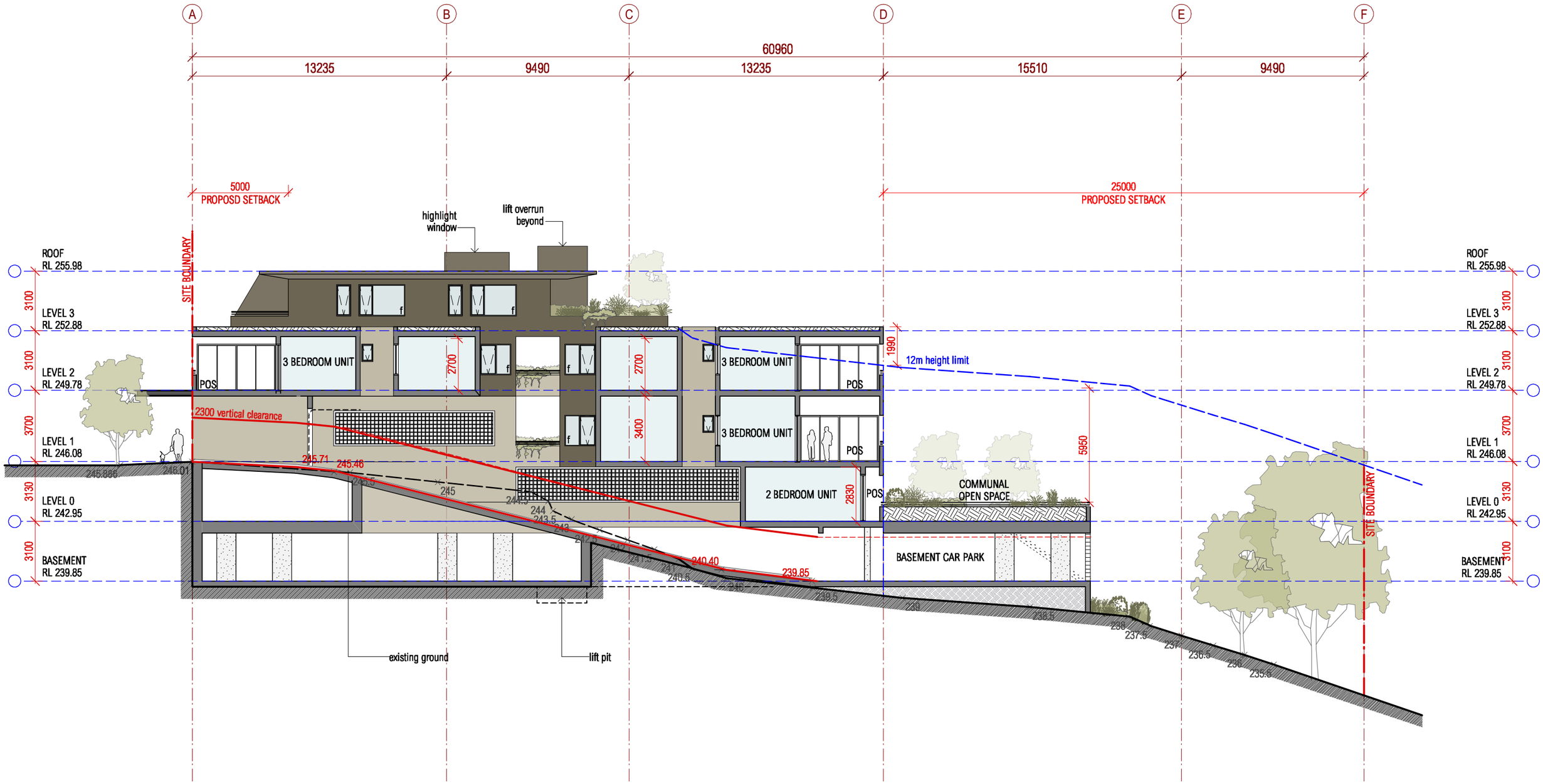
w: www.environastudio.com.au
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: SECTION AA	stage: DA	project no.: 941	dwg no.: 120
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



SECTION BB
1:200 @ A3

notes	rev	date	amendment	rev	date	amendment
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	09.05.19	Issue to Client	I	10.07.19	issue to consultants
	B	16.05.19	Issue to Consultants	J	22.07.19	DA issue to council
	C	31.05.19	Issue to Consultants	K	25.10.19	issue to council
	D	12.06.19	Issue to Consultants			
	E	24.06.19	Issue to Consultants			
	F	26.06.19	Issue to Consultants			
	G	01.07.19	Issue to Consultants			
	H	02.07.19	Issue to Consultants			

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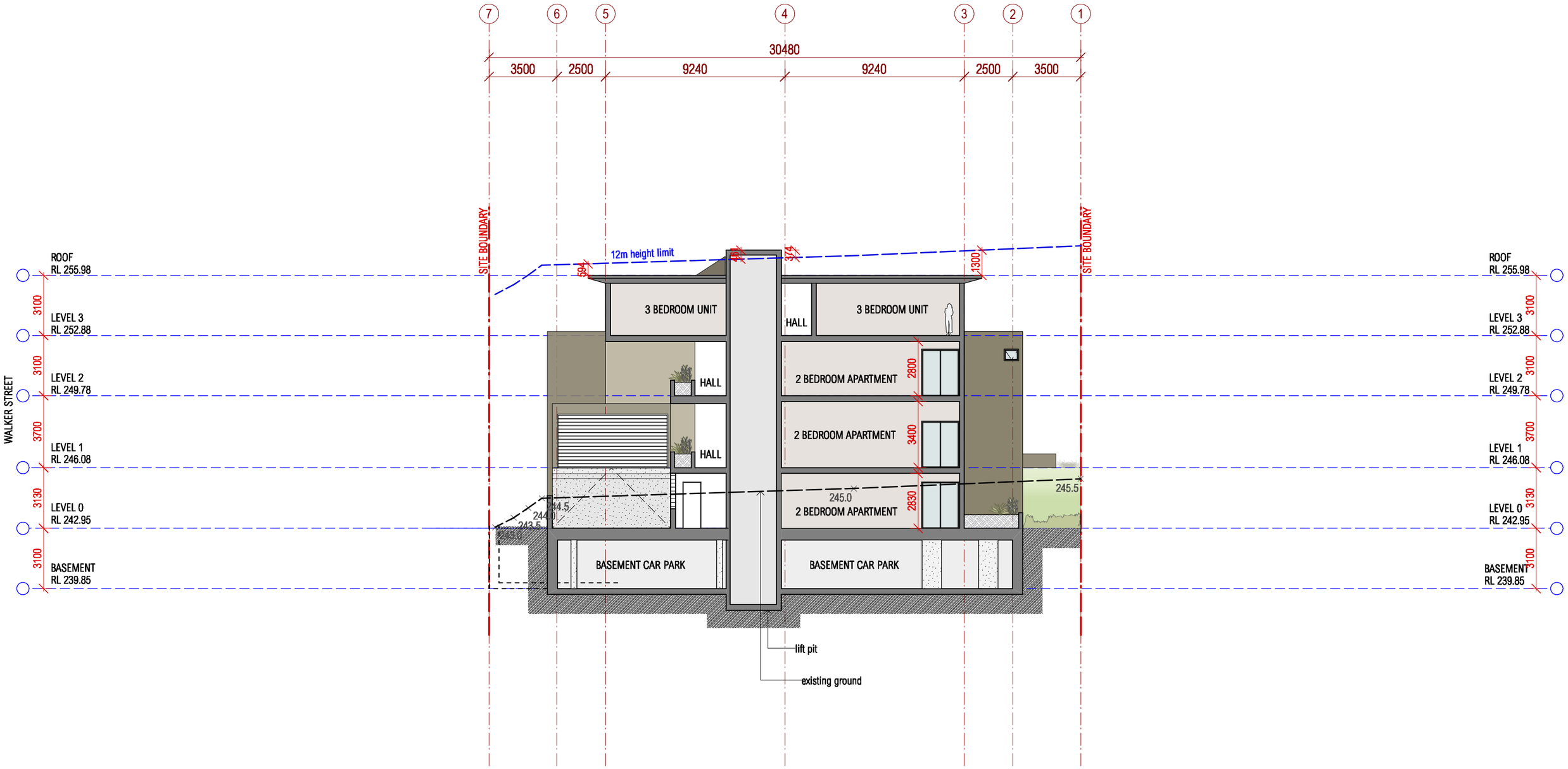
project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	SECTION BB	DA	941	121
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



SECTION CC
1:200 @ A3

notes	rev	date	amendment	rev	date	amendment
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.	A	09.05.19	issue to Client	I	10.07.19	issue to consultants
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	C	31.05.19	issue to Consultants	K	25.10.19	issue to council
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	F	26.06.19	issue to Consultants			
	G	01.07.19	issue to Consultants			
	H	02.07.19	issue to Consultants			

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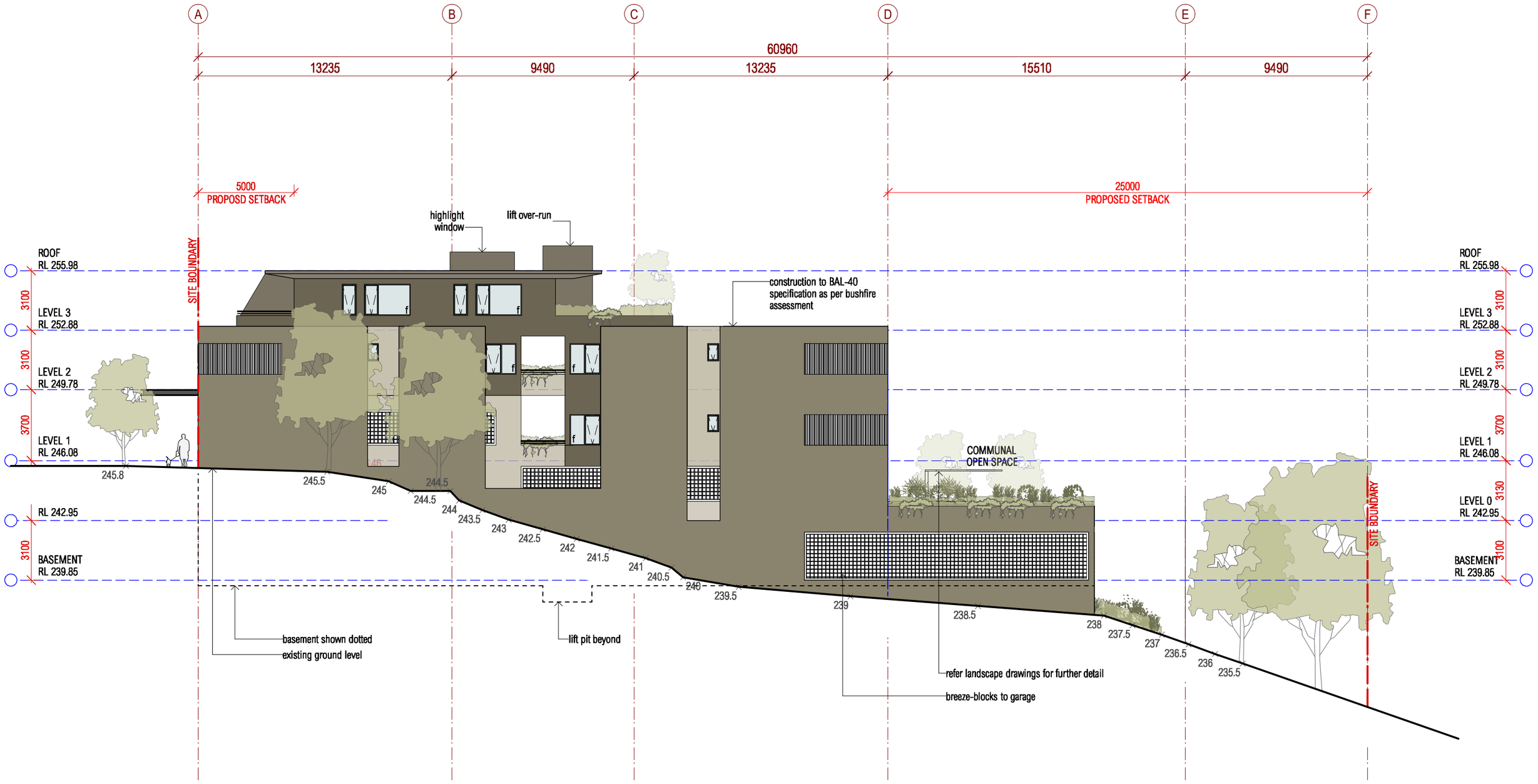
project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: SECTION CC	stage: DA	project no.: 941	dwg no.: 122
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



SOUTH WEST ELEVATION
1:200 @ A3

notes
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J	22.07.19	DA issue to council
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environa studio
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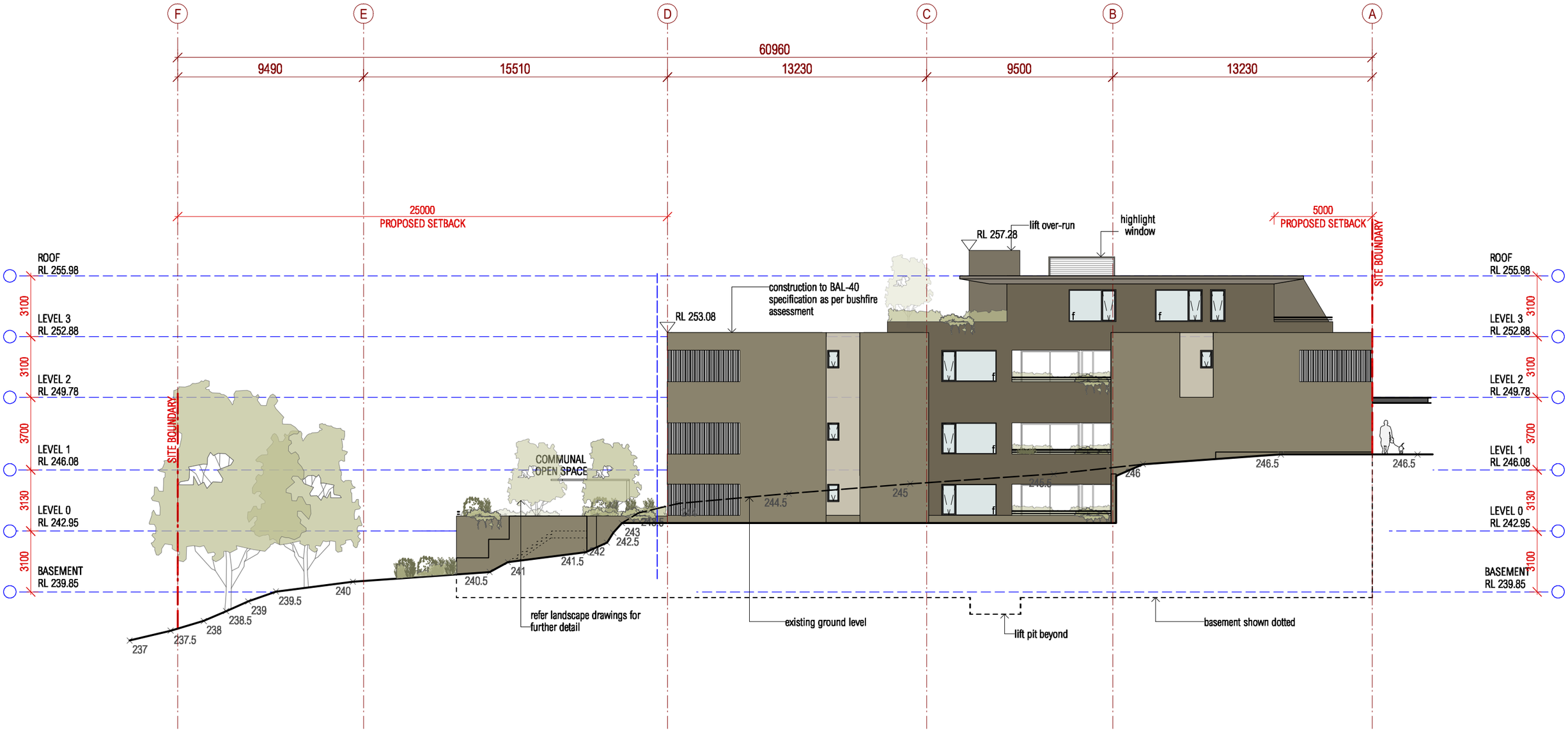
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: SOUTH-WEST ELEVATION	stage: DA	project no.: 941	dwg no.: 130
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing:	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



NORTH EAST ELEVATION
1:200 @ A3

notes	rev	date	amendment	rev	date	amendment
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	C	31.05.19	Issue to Consultants	K	25.10.19	issue to council
	D	12.06.19	Issue to Consultants			
	E	24.06.19	Issue to Consultants			
	F	26.06.19	Issue to Consultants			
	G	01.07.19	Issue to Consultants			
	H	02.07.19	Issue to Consultants			

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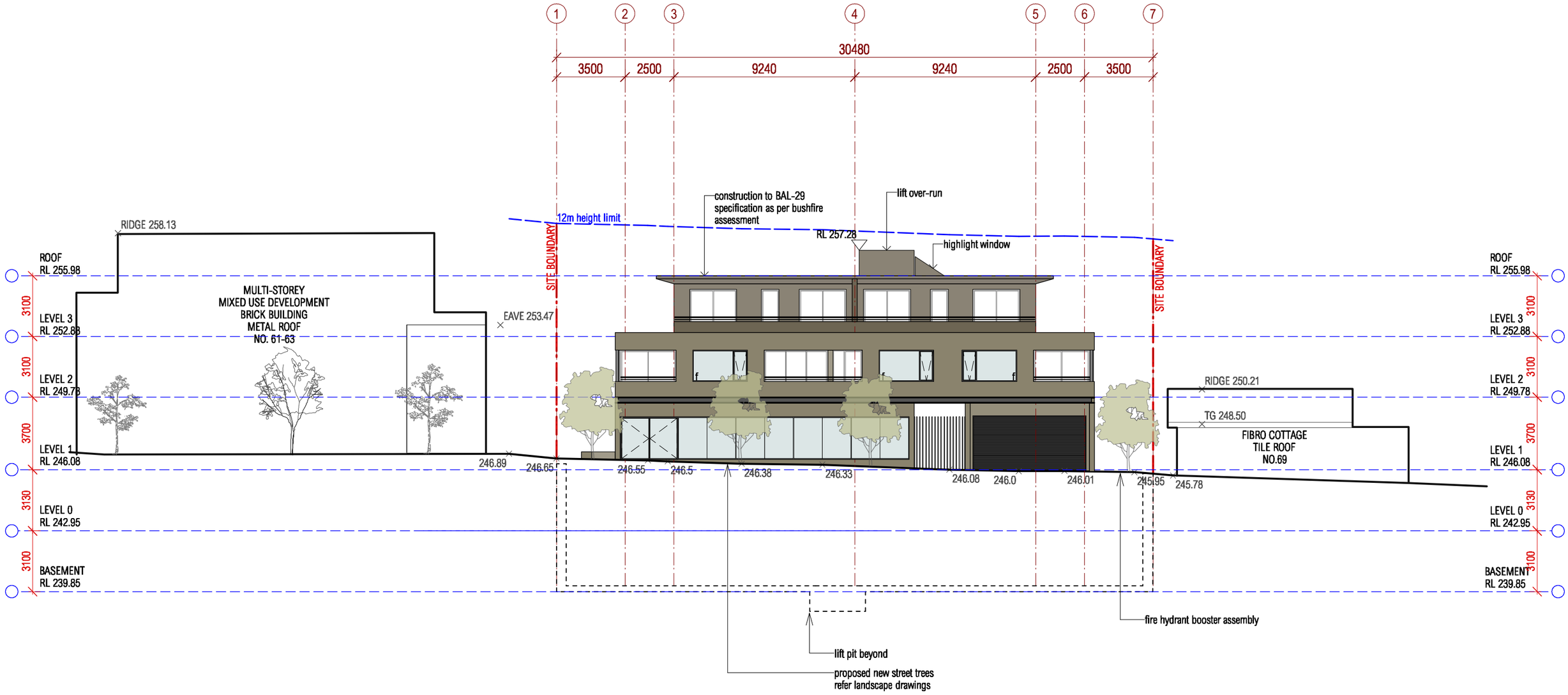
project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	NORTH-EAST ELEVATION	DA	941	131
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing	chkd TW drwn KR-GM	date: 25/10/19	revision: K



NORTH WEST ELEVATION
1:200 @ A3

notes	rev	date	amendment	rev	date	amendment
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	D	12.06.19	Issue to Consultants			
	E	24.06.19	Issue to Consultants			
	F	26.06.19	Issue to Consultants			
	G	01.07.19	Issue to Consultants			
	H	02.07.19	Issue to Consultants			

environa studio
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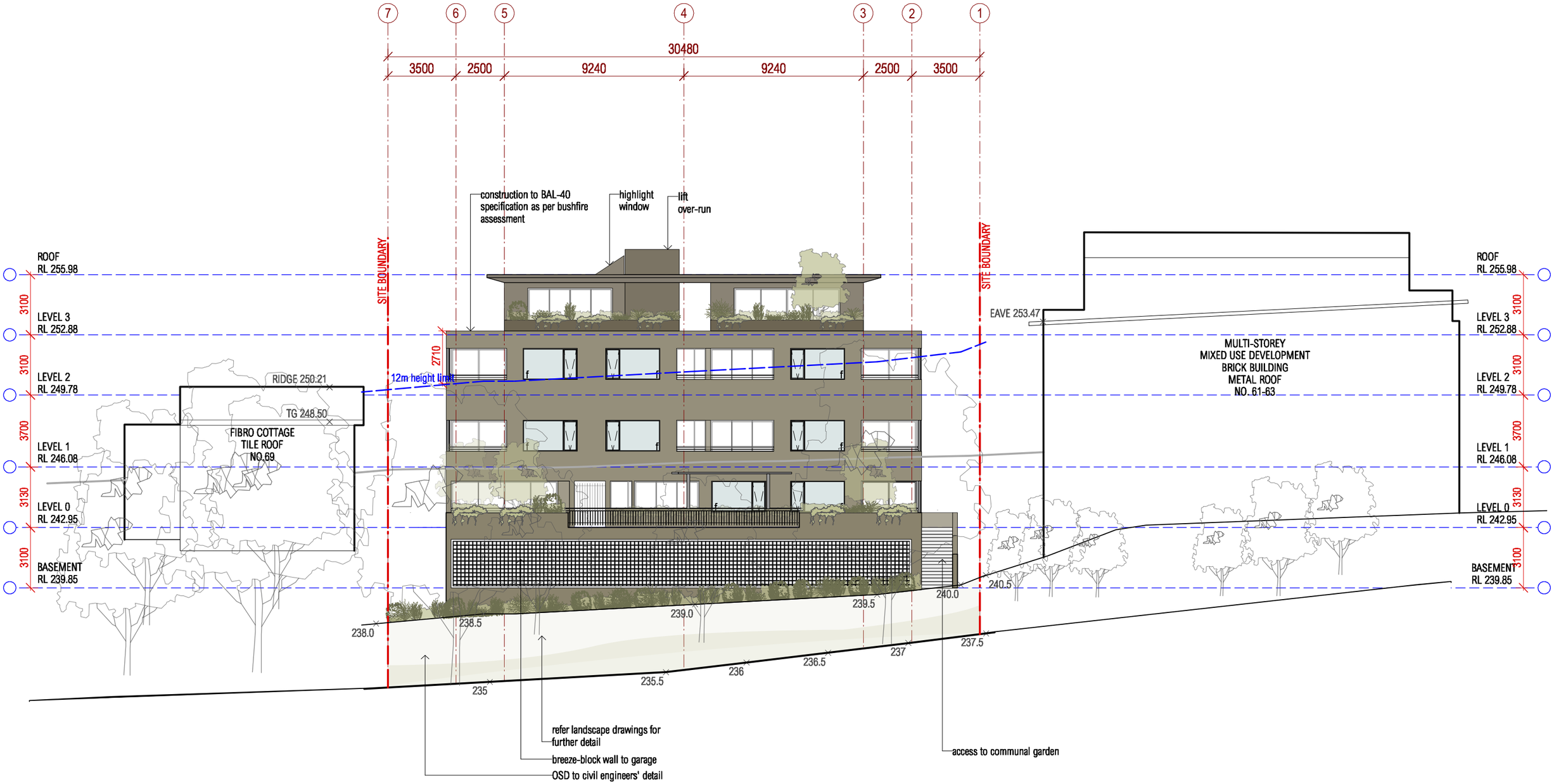
w: www.environastudio.com.au
architects registration number 6239

project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	NORTH-WEST ELEVATION	DA	941	132
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing	chkd TW drwn KR-GM	date 25/10/19	revision K



SOUTH EAST ELEVATION
1:200 @ A3

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	B	16.05.19	issue to Consultants	J	22.07.19	DA issue to council
	C	31.05.19	issue to Consultants	K	25.10.19	issue to council
	D	12.06.19	issue to Consultants			
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	G	01.07.19	issue to Consultants			
	H	02.07.19	issue to Consultants			

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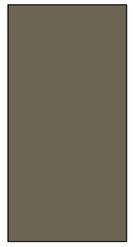
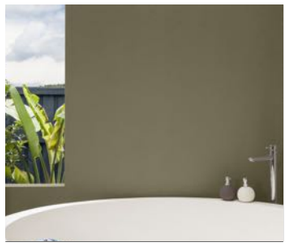
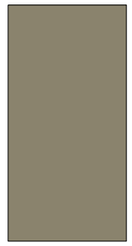
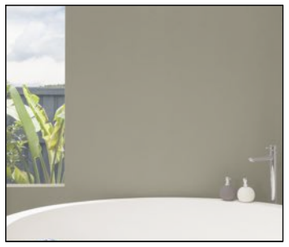
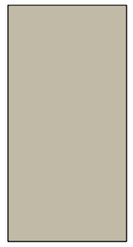
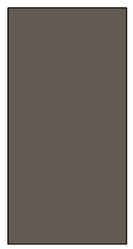
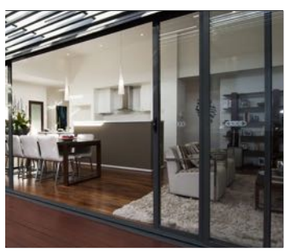
project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	SOUTH-EAST ELEVATION	DA	941	133
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K

	EXTERNAL ITEMS	MATERIAL	COLOUR CODE (NAME)
 	WALL	ACRYLIC RENDER FINISH 1	dulux 'bronze fig'
 	WALL	ACRYLIC RENDER FINISH 2	dulux 'antique'
 	WALL	ACRYLIC RENDER FINISH 3	dulux 'apparition'
 	ROOF GUTTERS DOWNPIPES	COLORBOND STEEL	'gully colorbond'
 	DOOR FRAMES WINDOW FRAMES	POWDERCOATED ALUMINIUM	dulux 'woodland grey'

	EXTERNAL ITEMS	MATERIAL	COLOUR CODE (NAME
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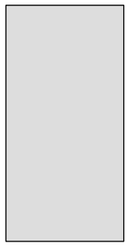
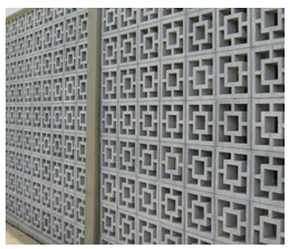
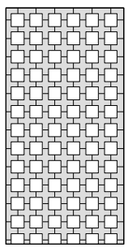
 	PRIVACY SCREENS	MODIFIED TIMBER	WEATHERED LOOK
 	CARPARK	CONCRETE	concrete grey
 	CARPARK FENCE	BREEZE BLOCK	concrete grey
 	GARAGE DOORS GATES HANDRAILS	POWDERCOATED ALUMINIUM	dulux 'woodland grey'

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	H	02.07.19	issue to Consultants			

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architects registration number 6239

project	location	drawing	stage	project no.	dwg no.
WALKER STREET APARTMENTS	65 - 67 WALKER STREET	MATERIALS + FINISHES SCHEDULE	DA	941	210
for/client	**at**	**drawing**	**chkd drwn**	**date**	**revision**
WALKER STREET HOLDINGS PTY LTD	HELENSBURGH		TW KR-GM	25/10/19	K

VIEW FROM WALKER STREET

VIEW FROM WALKER STREET

WEST ELEVATION

VIEW FROM NORTH EAST

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project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: 3D PERSPECTIVE	stage: DA	project no.: 941	dwg no.: 901
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing: SHEET 1	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K

BIRD'S EYE VIEW 1

BIRD'S EYE VIEW 2

BIRD'S EYE VIEW 3

BIRD'S EYE VIEW 4

notes

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measurements in mm's unless noted. use figured dimensions. do not scale drawings.
site measure before starting work.
refer all discrepancies to the architect.

rev	date	amendment
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C	31.05.19	Issue to Consultants
D	12.06.19	Issue to Consultants
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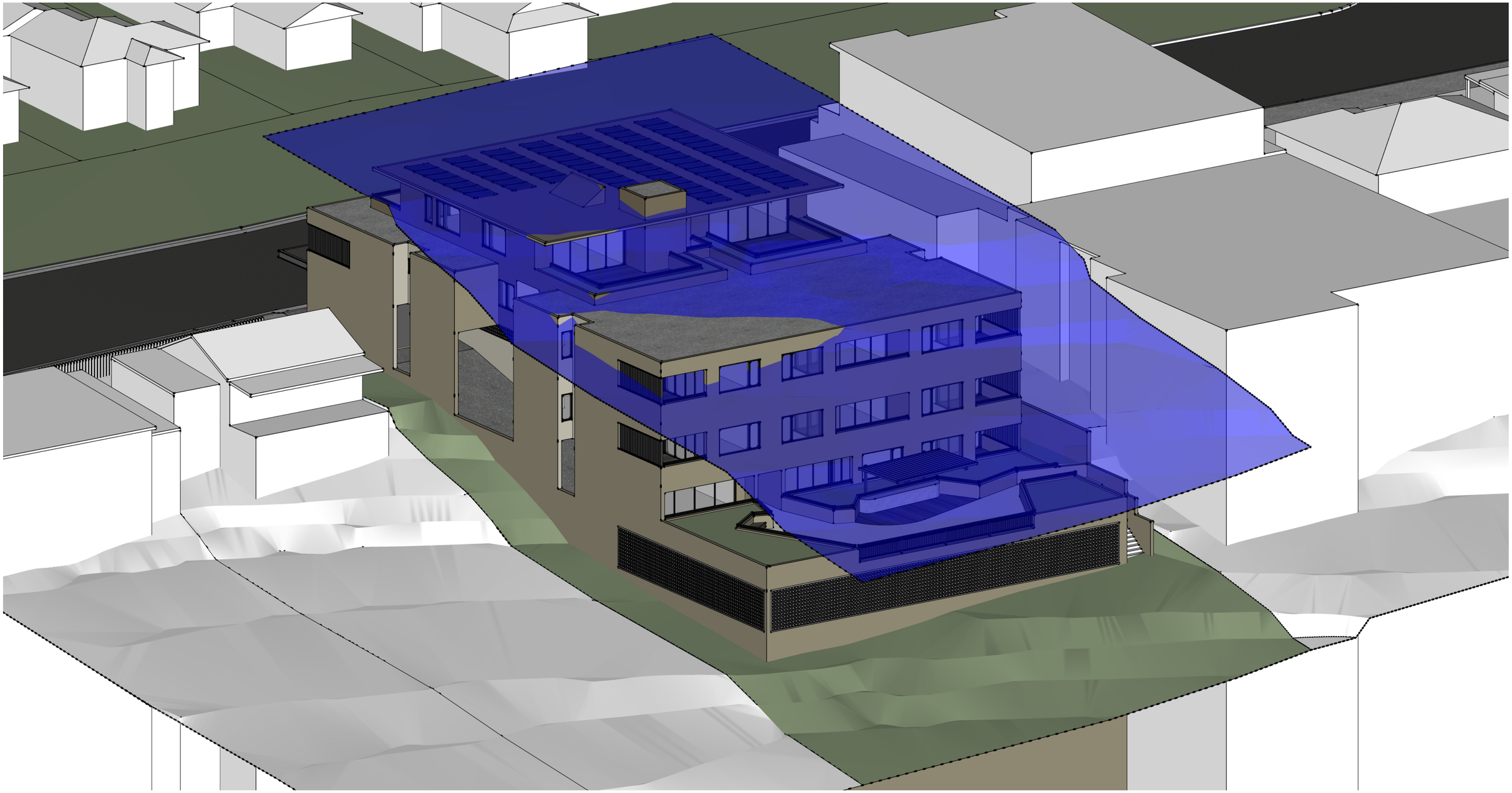
project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: 3D PERSPECTIVE	stage: DA	project no.: 941	dwg no.: 903
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing: SHEET 3	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



HEIGHT PLANE - PROPOSED
NTS

	notes	rev	date	amendment	rev	date	amendment
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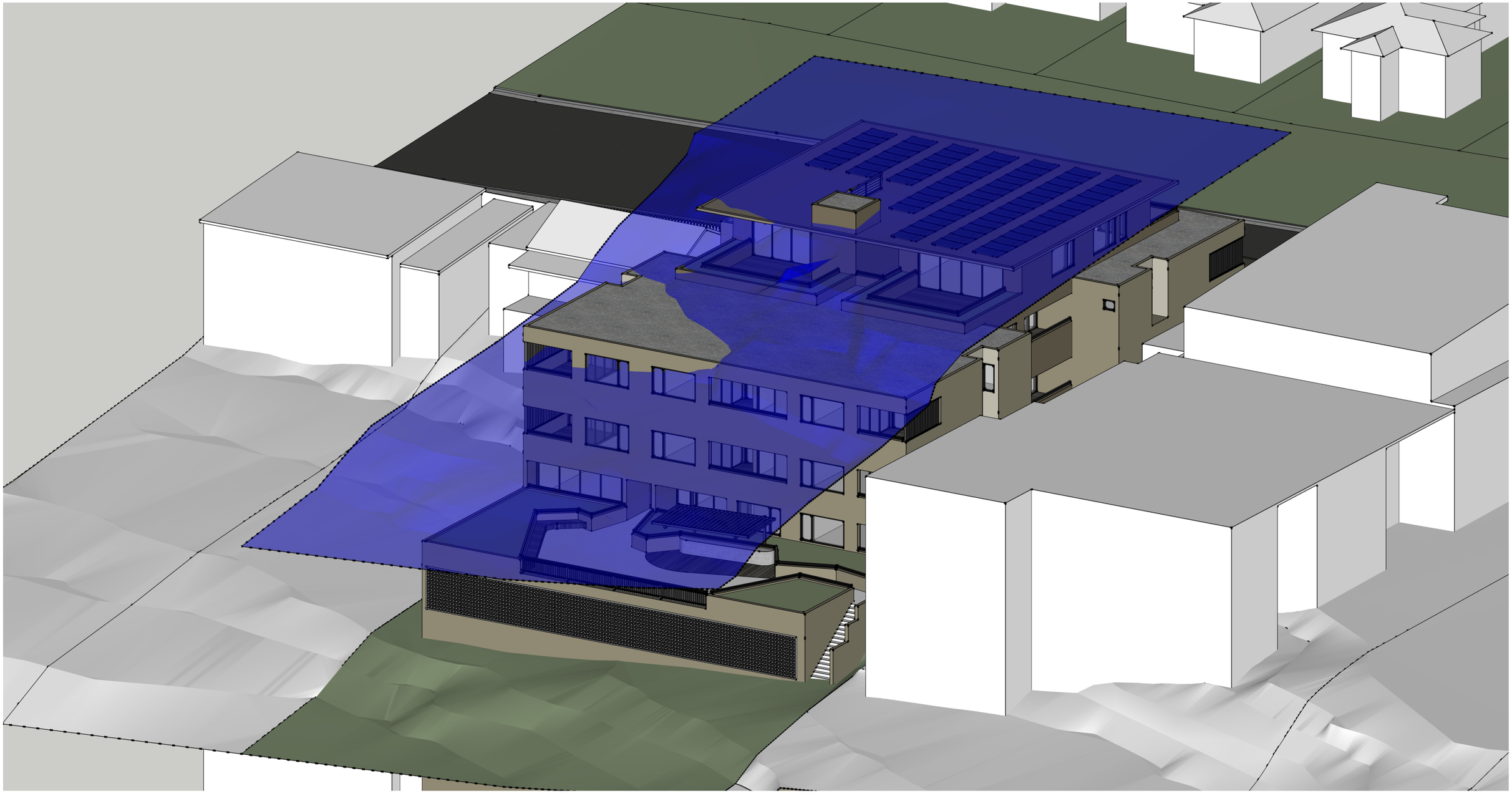
architects registration number 6239

project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: 3D PERSPECTIVE	stage: DA	project no.: 941	dwg no.: 906
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing: HEIGHT PLANE DIAGRAM - 1	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K



HEIGHT PLANE - PROPOSED
NTS

	notes	rev	date	amendment	rev	date	amendment
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		E	24.06.19	Issue to Consultants			
		F	26.06.19	Issue to Consultants			
		G	01.07.19	Issue to Consultants			
		H	02.07.19	Issue to Consultants			

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project: WALKER STREET APARTMENTS	location: 65 - 67 WALKER STREET	drawing: 3D PERSPECTIVE	stage: DA	project no.: 941	dwg no.: 907
for/client: WALKER STREET HOLDINGS PTY LTD	at: HELENSBURGH	drawing: HEIGHT PLANE DIAGRAM - 2	chkd: TW drwn: KR-GM	date: 25/10/19	revision: K

Attachment 2

224 riley street, surry hills nsw australia 2010
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environa studio
environmental architecture

design verification statement

Project:	**WALKER STREET APARTMENTS (MIXED-USE)**	Date:	**JULY 2019**
Address:	**65 - 67 WALKER STREET, HELENSBURGH**	Project No:	**es941**
Client:	**WALKER STREET HOLDINGS PTY LTD**	Stage:	**DA SUBMISSION**

I, Tone Wheeler, registered Architect No. 6239, Director of Environa Studio, verify that I have directed the design of the above project and that the design principles set out in Schedule 1 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development are achieved for the residential flat building project.

The proposed project is a new mixed-use development at 65-67 Walker Street, Helensburgh. The site is legally described as Lot(s)/Section/Plan no: 17+18 / B / DP2205.

The site is located within the Wollongong Council Local Government Area, approximately 45 km to the South of Sydney CBD and 30km to the North of Wollongong City Centre. The site is located within a precinct along Walker Street undergoing transition from commercial, offices, retail to residential and mixed-use development.

The proposal is for the creation of apartments consisting of ground level commercial area facing onto Walker Street with residential above basement parking.

The design quality principles are achieved as described below. Appendix C of the Statement of Environmental Effects demonstrates how the objectives in Part 3 and 4 of the Apartment Design Guide have been achieved.

Principle 1: Context and Neighbourhood Character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The site is located within a precinct along Walker Street which is in transition from low scale retail to mixed use. The architectural character of the area is an eclectic mix of styles with no strong representation of one particular architectural style or period of development.

The proposal significantly improves the relationship of the site with the public domain by increasing pedestrian activity by incorporating commercial activities and providing and active ground floor use providing greater visual interest and improving pedestrian safety through greater passive surveillance of both Walker Street.

The mixed-use development incorporates commercial and residential development and is permissible in the B2 Local Centre zone. The development meets the objectives of the zone and is consistent with the emerging character of the area.

The massing of the development is generally consistent with that which is expressed in the WLEP 2009 and WDCP 2009 and responds to the scale and siting of the adjoining and future development. The proposed development will not result in any unreasonable impacts on the surrounding properties.

The development is considered to be contextually appropriate for these reasons.

Principle 2: Built Form and Scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The scale of the development is consistent with the objectives of the height controls expressed for the site, both in metres and storeys, in the WLEP and the WDCP 2009.

The proposal is for a commercial space and 17 apartments arranged over 3 storeys / 4 levels which step down the slopping site. The high quality design of the building responds to the particular features, constraints and hazards of the site. The development is also compatible with the scale of the development to the North on Walker Street and provides an appropriate height transition to future development to the South. The breezeblock walls of the basement garage minimise the visual impact of the Eastern and Southern Elevations.

The accompanying clause 4.6 request for height prepared by Sutherland & Associates Planning demonstrates how the height variation is reasonable and necessary for the slope and fall of the site allowing the building design to respond to the particular features, constraints and hazards on the site while positively contributing the streetscape and urban design context.

The scale of the proposed development does not result in any unreasonable impacts on the surrounding properties in terms of loss of solar access, loss of privacy or visual impact. The architectural package includes a solar access analysis which demonstrates that the proposed scale of the development will not unreasonably overshadow development on the adjacent sites. The limited footprint of the building and substantial rear setback allows for solar access to be maintained to the rear private open space of the adjoining development to the South.

The streetscape scale has been improved by the implementation of an awning along the entirety of the Walker Street frontage helping to define the public realm accordingly.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The development application proposes a mixed-use development containing a ground level commercial tenancy and 17 apartments (3 x one bedroom, 10 x two bedrooms, and 4 x three bedroom) over 3 storeys / 4 levels. One basement level is also proposed that accommodates parking for 36 vehicles.

The density of the proposed development comfortably complies with the maximum floor space ratio permitted on the site with the gross floor area of the development 803.7 square metres lower than the maximum permitted.

The density of dwellings and floor space yield proposed is considered appropriate for the site and its location in that:

- The availability and capacity of local infrastructure, public transport and recreational opportunities supports the floor space proposed.

- The density proposed does not give rise to any unreasonable impacts on the adjoining properties in terms of overshadowing, loss of privacy or visual impact as detailed in this Statement.

- A high level of amenity is provided for occupants of the development.

- The proposed density assists in meeting the demand for employment and housing in the local government area in an appropriate location.

Principle 4: Sustainability

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

The architectural design provides for sustainable development. The building is to be constructed as a heavily insulated high thermal mass building using passive solar design principles and cross ventilation for amenity.

The key elements for sustainability are:

1. Orientation and sun
2. Orientation for the cross ventilation
3. External envelope – glaze
4. External envelope – insulation
5. Internal thermal mass

The site location enables implementation of dual aspect apartments to the East and West, promoting an efficient cross ventilation design for 64% of the apartments. Furthermore, all apartments gain improved natural ventilation via the maximisation of window and door openings in height and width where applicable. Shading louvres to exposed windows address the need for local climate control by reducing the requirements of mechanical ventilation and air conditioning to all apartments.

A 5000L rainwater tank has been included contributing to the sustainability of the landscaped areas. Photovoltaics have also been proposed to offset the energy requirements of the centralised hot water system. The basement garage features 2 breeze block walls allowing natural cross ventilation, and reducing the need for mechanical ventilation in the development.

The development meets the NSW governments BASIX requirements for water, energy and thermal efficiency. Apartment layouts have been designed as to group similar uses together, helping to optimise energy use through efficient functionality. The site's close proximity to public transport help promote a reduction in car dependency and encourage greener travel options for visitors and residents alike.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features, which contribute to the local context, co-ordinating water and soil management, solar access, microclimate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.

The proposed development appropriately integrates soft landscaping throughout the development thereby significantly increasing the deep soil areas and vegetation on the site. 21.6 % of the site area is a dedicated deep soil zone which greatly exceeds the minimum of 7% required by the ADG.

Three street trees have been proposed in accordance with Council's pre-DA notes.

Two main communal open spaces are proposed. One at Level 0 and then a second with a pathway leading down to the natural ground level and the natural landscape features of the site. A Landscape Plan prepared by Conzept Landscape Architects accompanies the application which provides details of the plant species appropriate for the site conditions and includes locally indigenous species where possible.

The raised planters around the eastern side of the private open space areas on Level 3 and mass planting of internal voids and raised planters on Level 0 add to the internal and external vista's and amenity of the apartments and contributing to microclimatic cooling.

The proposed landscaped spaces are generous and varied. This development is a good example of responsible and responsive landscape and architecture.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

A high level of amenity is provided for all occupants with the provision of appropriate and complying apartment sizes, practical room dimensions and shape, along with generous storage, and outdoor private spaces. The proposals also include for the provision of adaptable apartments, allowing for optimal usage by individuals with disabilities.

The internal layout of the apartments maximises the opportunity for the balcony spaces to be an extension of the living areas through sliding doors that open fully to external private open spaces. The private open space provided for each apartment complies with the minimum required, as summarised on Drawing 981. Internal and basement storage is also provided for each apartment.

The proposal has been designed for a high level of privacy for both residents of the development and surrounding properties. Living spaces and balconies have been orientated to the street or setback from the building edge at roof level for both communal and private open space. The design principles implemented aim to optimise the number of apartments receiving sunlight to habitable rooms and private open spaces, where the principal elevations being Western and Eastern facing, the design focuses on addressing the generous rear landscape spaces where greater residential amenity is achieved in line with the NSW apartment design guidance.

64% (11 of 17) apartments are naturally cross ventilated (refer to Drawing 983). 76% the apartments (13 of 17) receive at least 2 hours of solar access to the living room window. 88% of apartments (15 of 17) receive at least 2 hours of solar access to the private open space.

The setbacks of the development comply with the building separation requirements of the ADG and the DCP.

The location of the site provides for suitable vehicular amenity to surrounding areas as the road system of Walker Street leads to Lawrence Hargrave Drive and direct access to the M1.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

The safety and security of the public domain will be enhanced by increased activity on the site and the casual surveillance of the Street from the dwellings within the development. The building elements also provide passive surveillance internally over the communal open spaces and generous rear setback.

The proposed development is provided with secure access points that will be well lit. Common areas will be lit at night. Opportunities for concealment have been limited through the simple and efficient circulation spaces proposed and security measures around the perimeter of the site.

Secure basement parking is provided for residents and all car parking levels have secure entry to the ground level residential foyers and beyond to all residential floors above.

Principle 8: Housing Diversity and Social Interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

The project is responding to the requirement for higher density accommodation within the area. The unit sizes are considered appropriate for the area given the demographic range. A high level of amenity is provided for all occupants with the provision of appropriate apartment sizes, room dimensions, storage, and outdoor private spaces. The proposals also include for some adaptable apartments, allowing for optimal usage by individuals with disabilities.

The proposal provides complying apartment sizes as well as high quality housing choice appealing across the demographic by providing apartments with varying configurations including adaptable apartments. Disabled access has been addressed at all levels, from the inclusion of soft gradients to the commercial and residential entrance. Compliant lift access to all floors has been provided and the communal landscaped area on Level 0 can be accessed by lift ensuring equality of use by all occupants.

The development incorporates a mix of apartments (3 x 1 bedroom, 10 x 2 bedroom and 4 x 3 bedroom). 17% of the apartments are 1-bedroom apartments, consistent with the DCP requirements for a minimum of 10% of apartments to be one bedroom and/or studio apartments to provide affordable housing opportunities.

The proposal provides two areas of communal open space that provide opportunities for social interaction among residents. Other communal landscaped areas in the form of raised garden beds are proposed to provide a quality outlook for residents.

The site is located close to all necessary facilities such as retail and commercial precincts, schools, health care, child-care, supermarkets and leisure facilities. There is a bus stop for the Number 15 bus out the front of number 67 and the site is located 5 minutes from Helensburgh and Otford train stations allow for transport options to local and regional areas.

For these reasons it is considered that the development responds very positively to the housing needs of the local community.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The building has been designed in a contemporary style and in materials that are complementary to the developing area and compatible with the emerging character. The proposed development introduces a variety of building elements and utilises a visually engaging architectural language with a selection of appropriate materials and finishes.

The composition of the built form responds to the unique site characteristics and emerging character of the area. The rendered elements are consistent with the immediate local context, in particular with the neigbouring mixed use building whilst the use of muted natural colours are in keeping with the bush context. The landscaped elements will add desired greenery while softening of the hard edges as the building steps down to the communal landscape area's and the natural ground in the generous rear setback.

The development is to be of a high architectural quality and will provide a positive contribution to the Helensburgh precinct and the associated streetscape along Walker Street.

Tone Wheeler
Principal Architect

Attachment 3

Wollongong Design Review Panel
Meeting minutes and recommendations

Date	27 August 2019
Meeting location	Wollongong City Council Administration Offices
Panel members	Tony Tribe
	David Jarvis
	Marc Deuschle
Apologies	
Council staff	John Wood – City Wide Development Manager Maria Byrne – Development Project Officer
Guests/ representatives of the applicant	Simon Beaufils – Property Owner William Canavan – Property Owner Tone Wheeler - Architect – Environa Studio
Declarations of Interest	Nil
Item number	1
DA number	DA-2019/756
Determination pathway	SEPP 65
Property address	65-67 Walker Street Helensburgh NSW 2508
Proposal	Mixed use - demolition of existing dwellings and excavation works, construction of mixed use development and basement carparking
Applicant or applicant's representative address to the design review panel	The applicants address included reference to possible involvement the design development of the two lots to the south of the site. Attention was also drawn to the impact of the Bushfire Asset Protection zone on the proposal.
Background	The site was Inspected by the Panel on 27 August 2019
Design quality principals SEPP 65	
Context and Neighbourhood Character	The panel expressed concern at the minimum site analysis evident in accord with ADG Appendix 1 eg *a "Plan that synthesises and interprets the context, streetscape and site documentation into opportunities and constraints that generate design parameters"* Supporting information should demonstrate an understanding of the streetscape, the envisioned DCP character and fit of this proposal towards the end of the village zone. It would conceivably confirm that the Helensburgh Village Uses, intensity and Streetscape Character would vary towards the extremity of the zone southward down Walker Street. Activity generating street front uses would naturally diminish. This is demonstrated by the recent L&E Court approved development of No 91-93, where a medical centre foyer is the shop front in a predominantly residential development, with pronounced side boundary setbacks. This breaks from the DCP envisioned character of continuity in shopfronts and awnings. The panel is of the view that this effectively establishes the precedent and appropriate expectation for development of the remaining (4) zoned sites to its south. The proposal partially acknowledges this precedent, but also endeavours to respect DCP continuity by building commercial to the boundary and providing a full width awning. The panel suggests there be side setbacks between developments providing distinct gaps and views to the bushland to the east. Commercial and residential entries should be separated. The awning should be limited to the building frontage width. The proposals site analysis should be expanded to explore potential built form on the two remaining sites within the town centre (to the south of the proposal).

Built Form and Scale	The limited commercial use and proposed provision of residential accommodation to the rear of the ground (street level) floor is considered a rational design response on this peripheral and steep site. (Variation to WLEP) The proposed variations to the WLEP Height standard should quantify the additional impacts on the adjacent property to the south and likely future development of that land. It appears development potential of that site may be grossly limited by other constraints. The proposal involves cantilevered floor space over the driveway, (U11, U08) over garden areas (U01, U17) with potential undercroft, light and structural and aesthetic issues. These should be resolved in design development. The proposals carpark abuts the southern boundary (nil setback) of the site, creating a wall (with a strip of breeze blocks) up to two storeys in height adjoining the southern neighbour. This creates an extremely poor interface with the rear garden of the existing residential neighbor. If this approach is to be considered it must developed as a part of a cohesive built form strategy that include the adjoining sites to the south. Perhaps, a similar podium design could be developed on the adjoining sites to the south, that abut the subject sites southern boundary to form a continuous podium. The driveway of the subject site could be used to provide access to both sites allowing a greater extent of the street frontage to be dedicated to retail / commercial. The resolution of the potential future development of the southern neighbor is essential component to factor in justify the built form approach on the subject site. The proposed driveway abuts the southern boundary leaving no capacity for a landscaped interface with the neighour. An increased set back from the southern boundary is recommended, to accommodate a 1m wide landscaped strip. It is recommended that the ground floor retail be set back 2-3m from the northern boundary to contribute a clear break in the street that allows views through to the bushland beyond.
Density	The Bushfire Asset Protection zone constraint has compressed development westward. This, together with height limits, has constrained the achievable GFA to below the maximum WLEP FSR permitted.
Sustainability	A rainwater tank is noted on the plans to be used to irrigate common landscape areas as in the Basix commitments. See also 'Landscape'. The design statement refers to solar collectors for the hot-water system. The panel commends the inclusion of 8KW solar power in the Basix commitments, PV panels should be indicated and the application of this system clarified. (eg supplement house /communal area system).
Landscape	The public domain on Walker Street appears to be following council standards according to the drawings/annotations however the plan shows the existing site conditions and is not related to the proposed design. The

	public domain should be shown in relation to the proposed development and should show context to allow consideration of how this fits into the wider streetscape. Given the species of tree on the opposite side of the road, the panel would question if water gums are the most appropriate tree to go in front of this development and if Brushbox should not be used to tie into the opposite side. Given the extent of the awning this may not be possible but is not possible to determine due to the information on the plans being inadequate. The awning design should provide for mature growth of street trees. Levels and cross-falls must be indicated to ensure the footpath's steep crossfall (of the site immediately to the north) can be tied into and returned to an acceptable cross-fall as soon as practical in front of this development. The covered void garden situated upon entry to the development's hall/lobby will add 'green' to the entry experience but would be more successful if aligned with the lift to allow focal impact upon entry/exit. Given the building covers this space it in particular must be installed with an irrigation system using collected rainwater to remain viable. Consideration should be given to installing advanced plants, or additional species, that will be visible from the multiple levels this garden open onto. The Level 0 rear courtyard appears to be completely surrounded by planting except where people enter from the north. Given the beautiful borrowed landscape of the creek line to the east, it is recommended that one of the smaller 'rooms' within the design is pushed to the eastern building edge and the planting is replaced with an open balustrade to allow for views to the east. This would also increase the usable space. Clear level information is lacking across the plans or does not correspond to the details provided. Several details appear to be included in the landscape package although they are not seen anywhere in the design. Details have labels to non-existent elements – a 'safety external balustrade' on the pergola detail. Notes on the drawings are not definitive allowing for interpretation – eg the root anchoring system is recommended. These issues need to be rectified to ensure assessment can be undertaken with a solid understanding of what is proposed. It should be clarified if the timber deck on level 0 is raised above the paving as per the provided detail, or if it is flush with the adjacent paving. During the meeting it was explained that it was flush but this needs to be reflected in the drawings as otherwise it may cause a safety issue with regards to climbing / falling to the level below. It appears that the eastern ground floor landscape (and asset protection zone) is being calculated as part of the COS. While this is acceptable, it needs to be confirmed as it was not clarified during the meeting. This area should be activated as a usable space and needs more than a narrow angular access path to achieve this. Consideration should be given to creating a space that takes advantage of its location. Six trees appear to be planted in this zone but it is difficult to identify the species from the drawings as there are no labels and the legend is too small to match to the symbols - these should be more clearly identified. All on-structure planters should be fully irrigated using roof-collected water. All rooftop trees should be anchored. The southern boundary wall to the driveway will be a prominent visual element in the streetscape. Consideration should be given to softening this with plant material eg climbing fig.

Amenity	The corridor access to apartments on 3 levels is open to an under-croft 'void', apparently to facilitate BCA compliance (see Safety). Whilst conceded open access can often be workable, the comfort and convenience in this instance is considered undesirable. (sunless, southern oriented, weather exposed) Bin & bicycle stores are proposed immediately off the narrow Entry Foyer. It is recommended these be relocated and the foyer be more generously treated. There is the related potential opportunity for a view to the planted area opposite the lift from the residential entry. The panel discourages compliance with ADG recommended minimum bedroom areas being reliant on the inclusion of access passages, devoid of useful or furnishable space. Inter-apartment privacy issues between unit habitable rooms and balconies need to be addressed. eg U05-U06,U12-U13 Meeting the ADG 60% cross-ventilation guideline relies on Unit 10 ventilation via bathrooms opening onto the common access corridor. This is considered unsatisfactory. The provision of natural light and ventilation should be provided to the common access area at Level 3. Access to the common open space wraps around the northern face of the building creating potential privacy conflicts with adjacent units. Consideration should be given to creating a more direct access to the communal open space that breaks through the eastern face of the building. The northern units can then be reconfigured to with larger courtyard that address the north.
Safety	NCC BCA Compliance .The design and plan configuration does not meet 'deemed to comply' standards and apparently relies on expert 'engineered' solutions to vary significantly from 'normal' standards of egress. (eg travel distances and connecting rising & falling egress stairs). It is recommended that any variation proposed, potentially impacting on safety, be certified by an appropriately recognised expert prior to consent. Extensive structure-borne planted areas are proposed to the COS. See 'Landscape' Safety balustrading needs to be addressed. Visitor parking is proposed in the basement, accessed via a long max gradient driveway. If denied access for any reason, visitors would be required to unsafely reverse up from the garage door. It is recommended that the design include provision access and egress to the site in a forward direction only. Car park fenestration on side boundaries needs to be compliant with BCA.

Housing Diversity and Social Interaction	The proposal is for a diverse apartment mix, and includes two adaptable one-bedroom apartments
Aesthetics	A finessed design response to the above comments is not expected to impact greatly on the building configuration in terms of bulk, mass or height. The panel is supportive of the direct, less complex, facade treatment proposed compared to neighbouring precedent. The success of the proposal will depend largely on its architectural detail, material and use of colour. The primary external expression proposed is darker toned painted render with powder-coated windows. Scant information is available for relieving feature details eg shop awning, balcony handrails, privacy screens and sun protection. The proposal needs to more clearly illustrate detail treatments. The use of darker colours was raised. It was explained that consideration has been given to maximising light available to occupiers and users. This needs to be demonstrated in documentation, especially in relation to habitable rooms addressing confined or under-croft spaces.
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The WLEP Design Excellence standards are not applicable to this proposal.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Achievable with finessing
Whether the proposed development detrimentally impacts on view corridors,	No
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	NA
How the development addresses the following:	
the suitability of the land for development,	Yes
existing and proposed uses and use mix	Yes
heritage issues and streetscape constraints,	No
the location of any tower proposed, having regard to	NA

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,	
bulk, massing and modulation of buildings	See above
street frontage heights	See above
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	See above
the achievement of the principles of ecologically sustainable development	See above
pedestrian, cycle, vehicular and service access, circulation and requirements	See above
impact on, and any proposed improvements to, the public domain	See above
Key issues, further Comments & Recommendations	The design, planning and configuration of this development relies on 'engineered solutions' egress and fire safety requirements. The panel is concerned that major design changes would be required to the proposal until and unless the solutions are verified as safe and workable. The built form, particularly the suggested repetition of the streetscape pattern established by the recent development to the north needs to be supported by evidence of thorough site and context analysis. Subject to satisfactory resolution of the issues raised above, the panel is of the view that the provision of residential use on the ground (street) level is reasonable in this instance. To evaluate the proposed WLEP height variations, the impact of the proposal on the development potential of properties to the south need to be included in the site and context analysis.

Attachment 4

SUTHERLAND &ASSOCIATES PLANNING

26 October 2019

Ms Maria Byrne
Development Project Officer
Wollongong City Council
41 Burelli Street
WOLLONGONG NSW 2500

Dear Ms Byrne

DA-2019/756 65-67 WALKER STREET, HELENSBURGH – RESPONSE TO REQUEST FOR FURTHER INFOMATION

I refer to your letter of 23 September 2019 regarding DA-2019/756 for the demolition of existing structures, excavation works and the construction of a mixed-use development with basement car parking at 65-67 Walker Street, Helensburgh.

This letter summarises our response to the issues raised in your letter. The letter should be read in conjunction with the following:

- Amended architectural plans prepared by Environa Studio
- Amended Landscape Plans prepared by Conzept Landscape Architects
- Traffic Engineer Letter of Response to Council prepared by PDC Consultants
- BCA & Accessibility Consistency Statement for DA Lodgement prepared by Building Innovations Australia
- Amended Stormwater plans prepared by SGC
- Owner's consent letter for easement

1. Stormwater

The Stormwater Plans have been updated to address the issues raised in Council's letter and show the 1 metre wide easement to the watercourse. Owner's consent is provided for a 1 metre wide easement over the downstream allotments being Lot 7 DP 115054 and Lot 3 DP 658779.

2. Traffic

A letter has been provided by PDC Consultants to address the traffic and parking concerns raised by Council. In summary, the issues raised by Council have been addressed as follows:

- The roller door to basement car park has been relocated to the top of the car park ramp. An intercom system will be installed at the top of the ramp.
- The letter from PDC Consultants includes swept path diagrams for the redesigned basement.
- The location of the required Class B bicycle facilities is shown on the amended plans.

3. Crime Prevention Through Environmental Design (CPTED)

Council's letter identified five specific aspects of the development requiring amendment based on an assessment of the proposal against Crime Prevention Through Environmental Design (CPTED) principles. Each issue identified by Council is summarised in the table below with an explanation of how the matter has or will be addressed.

CPTED Concern	Response
Storage in the basement for residents should be behind security doors with a window in the door to reduce opportunities for entrapment.	The storage is behind security doors. A window can be provided to reduce the potential for entrapment. This matter can be conditioned.
The residential bin enclosure needs a security door with a window to reduce the opportunity for entrapment.	This matter can be conditioned.
Remove the door between the commercial and residential bin storage to avoid conflict and entrapment.	The commercial and residential bin storage areas are now separate.
The lift access from the basement car park has doors which should be removed.	The doors to the lift from the basement have been removed.
Mailboxes should be individually keyed to reduce opportunities for mail theft and fraud.	Mailboxes will be individually keyed. This matter can be conditioned.

4. Design Review Panel

The following table summarises the issues raised by the Wollongong Design Review Panel and provides an explanation of how each issue has been addressed.

Design Review Panel Comment	Response
Context and Neighbourhood Character	
The Panel suggested that a more detailed site analysis be undertaken to consider the level of activity generating uses at the southern end of Walker Street and the potential for side setbacks. The Panel also suggested the site analysis should be expanded to explore potential built form on the two remaining sites within the town centre (to the south of the proposal. The Panel suggested that side setbacks be provided between developments to provide distinct gaps and views to the bushland to the east.	A 3m side setback has been applied to the northern and southern boundaries to provide distinct gaps and views to the bushland to the east. The amended awning is limited to the building frontage width as suggested by the Design Review Panel.
Built Form and Scale	
The Panel indicated that the limited commercial use and proposed provision of residential accommodation to the rear of the ground floor is a rational design response on the site (noting that this is a variation to the LEP).	The proposed cantilevered floor space over the driveway has been amended. Units 8 and 11 will be supported by walls and columns. A 3m setback has been applied to the northern and southern boundary to provide views to the bushland

Design Review Panel Comment	Response
Potential under croft, light, structural and aesthetic issues were identified with Units 8, 11, 1 and 17. The nil setback of the car park to the southern boundary was identified as an issue as it will create a wall up to two storeys in height. The Panel recommended that the ground floor retail be setback 2-3 metres from the northern boundary to contribute to a clear break in the street that allows views to the bushland beyond.	beyond and a landscaped interface with the neighbour.
Density	
The Panel noted that the Bushfire Asset Protection zone has compressed the development westward. This, together with the height limit has constrained the achievable GFA to below the maximum WLEP FSR permitted.	Noted. No amendment required.
Sustainability	
A rainwater tank is noted on the plans to be used to irrigate common landscape areas as in the Basix commitments. The design statement refers to solar collectors for the hot-water system. The panel commends the inclusion of 8KW solar power in the Basix commitments. The location of the PV panels should be shown, and the application of this system clarified.	The location and size of the proposed rainwater tank is noted on Drawing 102. 8kW PV panels have been incorporated on Drawing 110.
Landscape	
The Panel indicated the public domain should be shown in context to show how it fits into the wider streetscape. The Panel suggested amendments for the Level 0 rear courtyard and the garden situated upon entry to the development. Further details were requested related to the timber deck on Level 0, the planting in the asset protection area and the irrigation of the planters. The Panel questioned if water gums are the most appropriate street tree and indicated the awning design should allow for mature growth of the street trees.	The landscape plan has been updated and amended to be consistent with the architectural plans and to address the issues raised by the Panel. The following amendments have been made: • The site plan and public domain on Walker Street are shown on Page 1. • The species of street tree opposite the site is shown on Page. • A planter has been added to both Level 1 and Level 2, opposite the lift. • A section has been added to illustrate the levels through the site, especially in rear garden and courtyard. • Detail has been added for timber decking to clarify it will be flush with the adjacent paving. • The tree species are shown more clearly for the rear garden. • The following notes have been added: 'All on-structure

Design Review Panel Comment	Response
	planters should be fully irrigated using roof-collected water. All rooftop trees should be anchored.' • A green wall has been added on the southern elevation. • As recommended by the Panel the proposed level 0 rear courtyard has been redesigned. The accessible areas have been pushed closer to the eastern building edge with an open balustrade to allow for views to the east. Water gums (Tristaniopsis laurina) were originally specified on the Landscape Plan for the street trees as they are smaller native trees that will not interfere with the awning. Water gums and other similar smaller native trees are now commonly superseding the Brush Box as a street tree specification in most LGAs. The water gum fits in with the native street tree character of Walker Street but will be better for longevity and maintenance of the development. Our Landscape Architect, Mr Robert Frew has spoken with Mr John Madry about the choice of street tree. Mr Madry has confirmed that the Water Gum is acceptable and has been approved for other commercial developments in the street. Mr Madry also noted that given the sandstone kerb, overhead power-lines and awning, a large street in the street frontage would not be desirable.
Amenity	
The corridor access to apartments on 3 levels is open to an under-croft 4 of 6 'void' to facilitate BCA compliance. Whilst conceded open access can often be workable, the comfort and convenience in this instance is considered undesirable (sunless, southern oriented, weather exposed).	Corridor access to apartments on 3 levels is open to under-croft 'void' for natural light and air. The width of this under-croft 'void' has been reduced from 4440mm to 2200mm. The 'void' is 'protected' by Unit 17 on level 3.
Bin & bicycle stores are proposed immediately off the narrow entry foyer. It is recommended these be relocated and the foyer be more generously treated. There is the related potential opportunity for a view to the planted area opposite the lift from the residential entry.	Bin stores have been relocated. The bicycle store has been relocated to the basement. The width of the entry foyer has increased from 1870mm to 2610mm.
The Panel discourages compliance with ADG recommended minimum bedroom areas being reliant on the inclusion of access passages, devoid of useful or furnishable space.	Bedrooms have been redesigned to include useful and furnishable space. Access passages are excluded from bedroom area calculations.
Inter-apartment privacy issues between unit habitable rooms and balconies need to be addressed. eg U05-U06, U12-U13	Units 1, 2, 5, 6, 9, 12 and 13 have been redesigned to provide improved privacy.
Meeting the ADG 60% cross-ventilation guideline relies on Unit 10 ventilation via	Mechanical ventilation will be provided to Unit 5 and 12 for cross-ventilation.

Design Review Panel Comment	Response
bathrooms opening onto the common access corridor. This is considered unsatisfactory.	
The provision of natural light and ventilation should be provided to the common access area at Level 3.	Common access area on level 3 has been amended to provide natural light and ventilation.
Access to the common open space wraps around the northern face of the building creating potential privacy conflicts with adjacent units. Consideration should be given to creating a more direct access to the communal open space that breaks through the eastern face of the building. The northern units can then be reconfigured to with larger courtyard that address the north.	A more direct access to the communal open space has been provided. Please refer to Drawing 102.
Safety	
The Panel raised concerns regarding the engineered solutions for egress and fire safety requirements and that major design changes would be required to the proposal. The Panel recommended that any variation to the NCC be certified by an appropriately recognised expert prior to consent.	The accompanying statement prepared by Building Innovations Australia concludes that the development is capable of achieving compliance with the performance requirements of the BCA without significant changes to the building envelope and is suitable for DA purposes.
Visitor parking is proposed in the basement, accessed via a long max gradient driveway. If denied access for any reason, visitors would be required to unsafely reverse up from the garage door. It is recommended that the design include provision access and egress to the site in a forward direction only.	The roller door to basement car park has been relocated to the top of the car park ramp. An intercom system will be installed within the first 5.4m of the car park ramp.
Car park fenestration on side boundaries needs to be compliant with BCA.	Noted.
Housing Diversity and Social Interaction	
The Panel noted the proposal is for a diverse apartment mix and includes two adaptable one-bedroom apartments.	Noted. The proposed unit mix has changed. In this revision, there is 1 studio apartment, 1 one-bedroom apartment, 10 two-bedroom apartments and 5 three-bedroom apartments. The total number of adaptable apartments proposed (2) is unchanged. The total number of apartments proposed remains the same as the DA issue (17).
Aesthetics	
The Panel is supportive of the direct, less complex façade treatment proposed compared to the neighbouring precedent. The Panel requested more clearly illustrated detail treatments.	Further architectural details regarding the external façade retreatments have been included on Drawings 901, 902 and 903.

Conclusion

We trust that the amended plans and additional information provided adequately address the matters raised by Council. If you require any further detail, or clarification of the above, please do not hesitate to contact me on 0402 852 034.

Yours faithfully

Amy Sutherland
Sutherland & Associates Planning Pty Ltd

Attachment 5

ADG Compliance Table

An assessment of the application against the Apartment Design Guide (*ADG*) is contained below.

(1) Apartment Design Guide

Standards/controls	Comment	Compliance
Part 1 – Identifying the context		
1A Apartment building types Generic apartment building types can be used to: Determine the appropriate scale of future built form Communicate the desired character of an area Assist when testing envelope and development controls to achieve high amenity and environmental performance. Building types include: Narrow infill apartments Row apartments Shop top apartments Courtyard apartments Perimeter block apartments Tower apartments Hybrid developments	The proposal is for mixed use containing a mix of apartments.	Yes
1B Local character and context This guideline outlines how to define the setting and scale of a development, and involves consideration of the desired future character, common settings and the range of scales.	The strategic local character and future desired character of the site is set by Wollongong LEP 2009 (B2 Local Centre) and Wollongong DCP 2009 and contained within the assessment report.	Yes
1C Precincts and individual sites Individual sites: New development on individual sites within an established area should carefully respond to neighbouring development, and also address the desired future character at the neighbourhood and street scales. Planning and design considerations for managing this include: Site amalgamation where appropriate Corner site and sites with multiple frontages can be more efficient than sites with single frontages Ensure the development potential for adjacent sites is retained	The site comprises of an individual site within Helensburgh Town Centre. The proposal has taken into account neighbouring development, desired future character and the scale of other nearby development to inform the proposed development. Site amalgamation will be a consent condition.	Yes

Standards/controls	Comment	Compliance
Avoid isolated sites that are unable to realise the development potential.		
Part 2 – Developing the controls		
These guidelines include tools to support the strategic planning process when preparing planning controls, and aren't relevant to the development assessment of individual proposals.	Strategic planning tool intent noted.	N/A
Part 3 Siting the development		
<u>3A Site analysis</u>		
Site analysis uses the following key elements to demonstrate that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context: Site location plan Aerial photograph Local context plan Site context and survey plan Streetscape elevations and sections Analysis A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.	The relevant site analysis plans including a survey plan and written analysis have been submitted with the DA documentation.	Yes
<u>3B Orientation</u>		
Buildings must be oriented to maximise norther orientation, response to desired character, promote amenity for the occupant and adjoining properties, retain trees and open spaces and respond to contextual constraints such as overshadowing and noise. <u>Objective 3B-1:</u> Building types and layouts respond to the streetscape and site while optimising solar access within the development <u>Design Guidance</u> Buildings should define the street by facing it and providing direct access. <u>Objective 3B-2</u> Overshadowing of neighbouring properties is minimised during mid- winter <u>Design Guidance</u> Overshadowing should be minimised to the south or down hill by increased upper level setbacks Refer sections 3D & 4A below for solar access requirements A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	The built form is orientated to address the street frontage of the site; the units are well designed with access to natural light and ventilation. Commercial spaces and the units above are oriented towards the street, offering opportunities for surveillance of the street. Most units appear to enjoy good solar access. The proposed ground level commercial premise addresses the street. Access to and within tenancies is reasonably well resolved. The entrances are legible, and the shop front provides for an active street frontage. The scale of the building responds to the desired future character sought to be achieved in the location as defined by the planning controls (floor space ratio, height, and building setbacks).	Yes

Standards/controls	Comment	Compliance
	The strategic local character and future desired character of the site is set by Wollongong LEP 2009 (B2 zone) and Wollongong Development Control Plan 2009 Chapter D2. The shadow diagrams indicate that the proposal will be acceptable in relation to overshadowing impacts. The site has an east/west axis and shadows fall across the southern mixed use site; however, overshadowing is considered acceptable.	
3C Public domain interface		
Key components to consider when designing the interface include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting. The design of these elements can influence the real or perceived safety and security of residents, opportunities for social interaction and the identity of the development when viewed from the public domain Objective 3C-1: Transition between private and public domain is achieved without compromising safety and security Design Guidance Terraces, balconies and courtyards should have direct street entry, where appropriate Changes in level between private terraces etc above street level provide surveillance and improved visual privacy for ground level dwellings. Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. Opportunities should be provided casual interaction between residents and the public domain eg seating at building entries, near letterboxes etc Objective 3C-2: Amenity of the public domain is retained and enhanced Design Guidance Planting softens the edges of any raised terraces to the street (eg basement podium) Mailboxes should be located in lobbies perpendicular to street alignment or integrated into front fences. Garbage storage areas, substations, pump rooms and other service requirements should be located in basement car parks. Durable, graffiti resistant materials should be used	Active street frontage is provided in the form of an active commercial use at ground level. The development has been designed to provide good interaction with the street footpath and public domain. The ground floor provides opportunities for surveillance at street level by the commercial premise. The design provides for glazing at street level, which will to be an important element of the façade. Primary building entries are legible and well defined. Safety and security matters are considered to be well resolved. Opportunities for casual interaction are available in numerous places. Residential balconies face the street frontage, providing opportunities for natural surveillance.	Yes Yes

Standards/controls	Comment	Compliance
Where development adjoins public parks or open space the design should address this interface.	The amenity of the public domain will be vastly improved by development of the site as proposed. The development will provide for active ground floor uses and an active street presence on the street. Public domain works comprising paving and street tree will also enhance the public domain, in accordance with Council's City Centre Public Domain Technical Manual. Conditions are recommended in this regard. Garbage storage areas, substation, fire services and the like are to be accommodated within the building in a manner which will not detract from its design quality. Mailboxes will be located within the residential lobbies. Durable materials proposed.	
3D Communal and public open space Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping Design Criteria 1.Communal open space has a minimum area of 25% of the site area 2. 50% direct sunlight provided to principal usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June Design Guidance Communal open space should be consolidated into a well designed, usable area. Minimum dimension of 3m Should be co-located with deep soil areas Direct & equitable access required Where not possible at ground floor it should be located at podium or roof level. Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: provide communal spaces elsewhere such as a landscaped roof top terrace or a common room	The principal useable part of the communal open space will be located on Level 0 and accessible to all units. The adaptable units are located on this floor. Provision has also been made for an outdoor area with DSZ tree planting at the rear of the site. The proposal provides communal open space which is the equivalent of 44.5% of the site area (827 square metres). Communal open space (COS) is considered to be designed to allow for a range of activities, responds to site conditions and will be attractive and inviting with seating provided. Both areas can be viewed from the units on this side of the building providing casual surveillance. The COS areas have minimum dimension of 3metres and are easily accessible. The area at the rear is co-located with the deep soil	Yes

Standards/controls	Comment	Compliance
provide larger balconies or increased private open space for apartments demonstrate good proximity to public open space and facilities and/or provide contributions to public open space <u>Objective3D-2</u> Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting <u>Design guidance</u> Facilities to be provided in communal open spaces for a range of age groups, and may incorporate seating, barbeque areas, play equipment, swimming pools <u>Objective 3D-3</u> Communal open space is designed to maximise safety <u>Design guidance</u> Communal open space should be visible from habitable rooms and POS areas and should be well lit. <u>Objective 3D-4</u> Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	zone and is considered to be a usable area. Sunlight to both areas is achieved.	
<u>3E Deep soil zones</u> <u>Objective 3E-1</u> 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. <u>Design Criteria:</u> Deep soil zones are to meet the following minimum requirements: | Site area	Minimum dimensions	Deep soil zone (% of site area) | |---|---|---| | less than 650m² | - | 7% | | 650m² - 1,500m² | 3m | | | greater than 1,500m² | 6m | | | greater than 1,500m² with significant existing tree cover | 6m | | <u>Design guidance:</u> Deep soil zones should be located to retain existing significant trees.	A deep soil zone is provided at ground level. The proposal provides for 401.6 square metres of deep soil (21.6% of the site area). The deep soil area exceeds the 3-metre minimum dimension requirement. and complies with the requirement. The DSZ has been located where a number of trees are being retained north of the RFB.	Yes
<u>3F Visual privacy</u> <u>Objective 3F-1</u> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity. <u>Design Criteria:</u>	Visual privacy to the adjoining properties has been achieved through limiting the windows facing the side boundaries, providing complying setbacks	Yes

Standards/controls	Comment	Compliance
Minimum required separation distances from buildings to the side and rear boundaries are as follows: | Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m | <u>Design Guidance</u> Apartment buildings should have an increased separation distance of 3m (in addition to the above requirements) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale. Direct lines of sight should be avoided No separation is required between blank walls <u>Objective 3F-2:</u> Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space <u>Design Guidance</u> Communal open space, common areas and access paths should be separated from private open space and windows to apartments. Design solutions include: Setbacks, Solid or partly solid balustrades to balconies Fencing or vegetation to separate spaces Screening devices Raising apartments/private open space above the public domain Planter boxes incorporated into walls and balustrades to increase visual separation Pergolas or shading devices to limit overlooking Only on constrained sites where it's demonstrated that building layout opportunities are limited – fixed louvres or screen panels Windows should be offset from the windows of adjoining buildings	and including screens where necessary. Western boundary – Levels 0 and level 1 are proposed to be built to the nil setback to Walker street frontage. Level 2 is setback 6 metres. The ground floor (Level 0) from the street will accommodate commercial activities and part residential units, the residential entry foyer, and driveway. Whilst L1 to L2 will accommodate residential units. Communal open space areas are located on level 0. Balconies and private terraces are located in front of living rooms to increase internal privacy and to maximise the functionality of the spaces. Visual privacy to the adjoining properties has been achieved through limiting the windows facing the side boundaries, providing complying setbacks and including screens where necessary. In conclusion, the objectives of 3F are considered to be achieved as adequate levels of internal and external privacy would be achieved via the applicant's proposed design approach. Changes to the design have been made in response to DRP advice. Good solar access will be available to the units.	
<u>3G Pedestrian access and entries</u> <u>Objective 3G-1</u> Building entries and pedestrian access connects to and addresses the public domain <u>Design Guidance</u> Multiple entries should be provided to activate the street edge.	Entries clearly identifiable. Proposed entry addresses the public domain. Lift and stair access is provided to all dwellings from the carpark and ground floor level. Access points are clearly visible. The development makes provision for access to be obtained to the ground floor	Yes

Standards/controls	Comment	Compliance
Buildings entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. Objective 3G-2 Access, entries and pathways are accessible and easy to identify Design Guidance Building access areas should be clearly visible from the public domain and communal spaces Steps and ramps should be integrated into the overall building and landscape design. Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	(inclusive of commercial spaces and the residential lobby) via either stairs or lifts. Communal entries are clearly visible from the public domain. The proposed building will be accessible in accordance with requirements. Adaptable units and mobility parking are provided.	
3H Vehicle access Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes Design Guidance Car park entries should be located behind the building line Access point locations should avoid headlight glare to habitable rooms Garbage collection, loading and service areas should be screened Vehicle and pedestrian access should be clearly separated to improve safety. Where possible, vehicle access points should not dominate the streetscape and be limited to the minimum width possible.	Proposed driveway access to basement car park is positioned behind the building line on the Walker Street frontage. Proposed driveway location appropriate location in relation to the nearest intersection. Loading/service areas all contained within the carparking areas and accordingly are screened from view. Vehicle and pedestrian access separated. Driveway and vehicular entry width is acceptable.	Yes
3J Bicycle and car parking Note: 1. Under Clause 30, car parking cannot be used as a reason for refusal where the proposal meets the minimum standards 2. Also, under the amended SEPP 65 car-parking has become a non-discretionary development standard (in accordance with Cl. 79(C) of the EP&A Act. Therefore, a departure from this is likely to generate referral to LPP, despite not specifically being a "Local Environment Planning' development standard (Charter 3.3) Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas Design Criteria	Adequate vehicle, motor bike and bicycle parking provided meeting relevant requirements with regard to Chapter E3 of WDCP 2009. All parking is to be provided within the basement parking level, accessed via a driveway to Walker Street. Appropriate resident bicycle security arrangements are proposed. The land is not zoned B3 or B4 and not located within 400m of land zoned B3 and B4. Conditions have been recommended by Council's Traffic Engineer in this regard.	Yes

Standards/controls	Comment	Compliance
On land zoned B3 or B4 and located within 400m of land zoned B3 and B4, the minimum car parking requirement for residents and visitors is set out in the Guide for Traffic Generating Development, or Council's car parking requirement, whichever is less. The carparking needs for a development must be provided off street. Objective 3J-2 Parking and facilities are provided for other modes of transport Design Guidance Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas. Objective 3J-3 Car park design and access is safe and secure Design Guidance		
Supporting facilities within car parks (garbage rooms, storage areas, car wash bays) can be accessed without crossing parking spaces A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. Permeable roller doors allow for natural ventilation and improve the safety of car parking areas by enabling passive surveillance. Objective 3J-4 Visual and environmental impact of underground car parking are minimised Design Guidance	Supporting facilities generally adequately located. Car parking layout is appropriate with regard to safety and security. Car parking level will be adequately ventilated.	Yes
Excavation should be minimised through efficient carpark layouts and ramp design. Protrusion of carparks should not exceed 1.0m above ground level. Natural ventilation should be provided to basement and sub-basement car parking areas. Ventilation grills or screening devices should be integrated into the façade and landscape design. Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised On grade car parking should be avoided Design guidelines provided where it's unavoidable Objective 3J-6	The proposed car parking layout is as logical as possible. The height of the car park above ground level has been minimised to the greatest extent possible whilst attempting to minimise the extent of excavation. The proposed development provides a basement car park which is located below street level. Car park layout appears to be reasonably efficient and natural ventilation is available to the car parking area located under the residential component.	Yes

Standards/controls	Comment	Compliance
Visual and environmental impacts of ground enclosed car parking are minimised Exposed parking should not be located along primary street frontages Positive street address and active street frontages should be provided at ground level.	Car parking proposed at the rear of the building and accessed from the driveway to the basement area. A positive street address and active street frontages are provided at ground level.	Yes
Part 4 – Designing the building - Amenity		
4A Solar and daylight access		
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space Design Criteria 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9am and 3pm in mid-winter in Wollongong LGA. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter Design Guidance The design maximises north aspect and the number of single aspect south facing apartments is minimised To optimise the direct sunlight to habitable rooms and balconies, the following design features are used: Dual aspect, Shallow apartment layouts Bay windows To maximise the benefit to residents, a minimum of $1m^2$ of direct sunlight measured at 1m above floor level, is achieved for at least 15 minutes.	The applicant has demonstrated that at least 70% of the units can achieve appropriate solar access (living rooms and private open spaces receive a minimum of 2 hours sunlight between 9am-3pm mid- Winter.) The solar access diagrams demonstrate that 76% the apartments (13/17) receive at least 2 hours of solar access to the living room windows. 88% of apartments (15/17) receive at least 2 hours of solar access to the private open space.	Yes
Objective 4A-2 Daylight access is maximised where sunlight is limited Design Guidance Courtyards, skylights and high level windows (sill heights of 1500m or greater) are used only as secondary light sources in habitable rooms	The proposed development does not rely on the use of courtyards or lightwells as a main source of daylight in habitable rooms.	Yes
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months Design Guidance Design features can include: Balconies Shading devices or planting Operable shading	The proposed development incorporates shading devices such recessed balconies and external louvres to control heat load during the warmer months.	Yes

Standards/controls	Comment	Compliance
High performance glass that minimises external glare		
4B natural ventilation		
Objective 4B-1		
All habitable rooms are naturally ventilated.	Units have been generally been designed to achieve cross ventilation.	Yes
Design Guidance		
A building's orientation should maximise the prevailing winds for natural ventilation in habitable rooms		
The area of unobstructed window openings should be equal to at least 5% of the floor area served.		
Doors and openable windows should have large openable areas to maximise ventilation.		
Objective 4B-2	Four of the eight units are single aspect units.	Yes
The layout and design of single aspect apartments maximises natural ventilation	These are generally shallow and are designed around balconies which should assist in maximising ventilation. 64% of apartments are naturally cross ventilated.	
Design Guidance		
Single aspect apartments should use design solutions to maximise natural ventilation.		
Objective 4B-3		
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	No apartment has a depth which exceeds 18 metres. Cross ventilation is achieved.	
Design Criteria:		
1. 60% of apartments are naturally cross ventilated in the first nine storeys		
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		
4C Ceiling heights		
Objective 4C-1	The proposed development provides 2.7 metre floor to ceiling heights for all habitable rooms within the apartments.	Yes
Ceiling height achieves sufficient natural ventilation and daylight access	A 3.3 metre floor to ceiling height is proposed for the commercial tenancy with frontage to Walker Street.	
Design Criteria		
Minimum 2.7m for habitable rooms and 2.4m for non-habitable rooms		
Note:		
1. Under Clause 30, ceiling height cannot be used as a reason for refusal where the proposal meets the minimum standards		
2. Also, under the amended SEPP 65 ceiling height has become a non-discretionary development standard (in accordance with Cl. 79(C) of the EP&A Act. Therefore, a departure from this is likely to generate referral to LPP, despite not specifically being a "Local Environment Planning' development standard (Charter 3.3)		

Standards/controls	Comment	Compliance
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms Objective 4C-3 Ceiling height contribute to the flexibility of building use over the life of the building Design Guidance Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.	The proposed development provides in excess of the required 2.7 metres floor to ceiling for all habitable rooms. The ground level commercial premises are provided with a 3.3 metre ceiling height which contributes to the flexibility of the building use.	Yes
4D Apartment size and layout Note: 1. Under Clause 30, apartment size cannot be used as a reason for refusal where the proposal meets the minimum standards 2. Also, under the amended SEPP 65 apartment size has become a non-discretionary development standard (in accordance with Cl. 79(C) of the EP&A Act. Therefore, a departure from this is likely to generate referral to LPP, despite not specifically being a "Local Environment Planning' development standard (Charter 3.3) Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity Design Criteria: Minimum internal areas: Studio – 35m^2 1 bed – 50m^2 2 bed – 70m^2 3 bed – 90m^2 The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal areas by 5m^2 each. Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room Design Guidance: Where minimum areas are not met, need to demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. Objective 4D-2 Environmental performance of the apartment is maximised Design Criteria:	Apartment size and layout is generally functional, well organised and provides a reasonable standard of amenity for future residents. The unit layout has been considered by the Design Review Panel and is considered to be acceptable. All units achieve compliance with the minimum internal areas specified. All habitable rooms have adequate windows. Habitable room depths comply.	Yes

Standards/controls	Comment	Compliance
Habitable room depths are limited to a maximum of 2.5 x ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. <u>Design Guidance:</u> Greater than the minimum ceiling heights can allow proportionate increases in room depths. Where possible, bathrooms and laundries should have an external openable window. Main living spaces should be oriented towards the primary outlook. <u>Objective 4D-3</u> Apartment layouts are designed to accommodate a variety of household activities and needs <u>Design Criteria:</u> Master bedrooms have a minimum area of $10m^2$ and other bedrooms $9m^2$ (excl wardrobe space) Bedrooms have minimum dimension of 3m (excl wardrobe) Living rooms have minimum width of: - 3.6m for studio and 1 bed apartments and - 4m for 2+ beds. The width of the crossover or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts. <u>Design Guidance:</u> Access to bedrooms, bathrooms and laundries is separated from living areas Minimum 1.5m length for bedroom wardrobes Main bedroom apartment: minimum 1.8m long x 0.6m deep x 2.1m high wardrobe Apartment layouts allow for flexibility over time, including furniture removal, spaces for a range of activities and privacy levels within the apartments.	Minimum 2.7m ceiling heights proposed. Most units within the proposal are designed with bathrooms and laundries without external opening windows to allow all habitable rooms to achieve access to external windows. The maximum habitable room depth for all open plan layouts (where the living, dining and kitchen are combined) is 8m from a window. Living spaces are generally oriented to take advantage of outlook and/ or orientation. Bedroom and living room dimensions are adequate. Each apartment is provided with a bedroom which provides a minimum area of 10sqm and all other bedrooms are at least 9sqm. All bedrooms have a minimum dimension of 3m. The living room of all apartments complies with the minimum width design criteria. The dimensions of each living room are shown on the plans.	Yes Yes

Standards/controls	Comment	Compliance
4E Private open space and balconies Objective 4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity 1. Minimum balcony depths are: The minimum balcony depth to be counted as contributing to the balcony area is 1m. 2. Ground level apartment POS must have minimum area of 15m^2 and min. depth of 3m Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents Design Guidance Primary private open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space. POS & Balconies should be oriented with the longer side facing outwards to optimise daylight access into adjacent rooms. Objective 4E-3 Primary private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building Design Guidance A combination of solid and transparent materials balances the need for privacy with surveillance of the public domain Full width glass balustrades alone are not desirable Operable screens etc are used to control sunlight and wind, and provide increased privacy for occupancy while allowing for storage and external clothes drying. Objective 4E-4 Private open space and balcony design maximises safety Design Guidance	All primary balcony areas achieve the minimum area and depth requirements. Due to the sloping nature of the site, the apartments on Level 0 are technically not located at ground level. POS of all units are located adjoining and accessible from living/dining areas. Adequate solar access appears to be available to the private open space areas. Balconies and balustrades are designed to articulate the façade. A variety of materials are proposed, including solid walls, glass and openings on each level.	Yes Yes

Dwelling type	Minimum area	Minimum depth
Studio apartments	4m^2	-
1 bedroom apartments	8m^2	2m
2 bedroom apartments	10m^2	2m
3+ bedroom apartments	12m^2	2.4m

Standards/controls	Comment	Compliance
Changes in ground levels or landscaping are minimised.		
4F Common circulation and spaces		
Objective 4F-1		
Common circulation spaces achieve good amenity and properly service the number of apartments.		
Design Criteria		
1. The maximum number of apartments off a circulation core on a single level is eight	There is one residential lift proposed to service the 17 apartments. No more than 7 apartments are accessed from the circulation core on a single level.	Yes
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.		
Design Guidance		
Long corridors greater than 12m in length should be articulated through the use of windows or seating.	Direct and legible access is provided between vertical circulation points and apartment entries by minimising corridor length to give short, straight, clear sight lines.	
Primary living rooms or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces should be controlled.		
Objective 4F-2		
Common circulation spaces promote safety and provide for social interaction between residents		
Design Guidance:		
Incidental spaces can be used to provide seating opportunities for residents, and promotes opportunities for social interaction.	Corridors are partly articulated and have access to natural light. Some amendments were made in response to recommendations of the Design Review Panel. Unit entries are appropriately located with regard to circulation spaces.	Yes
	No living or bedroom window openings to common circulation spaces.	
	Common circulation areas are proposed to be lit with natural light and access to natural ventilation.	
Storage		
Objective 4G-1		
Adequate, well designed storage is provided in each apartment		
1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided	Individual storage areas are proposed within each apartment and also at basement level.	Yes
	The overall quantum of storage provision is compliant.	

Standards/controls	Comment	Compliance
<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments Design Guidance: Storage not located within apartments should be allocated to specific apartments. **4H Acoustic privacy** Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout Design Guidance Adequate building separation is required (see section 2F above). Noisy areas within buildings should be located next to or above each other and quieter areas next to or above quieter areas. Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources. Noise sources such as garage doors, plant rooms, active communal open spaces and circulation areas should be located at least 3m away from bedrooms. Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments Design Guidance In addition to mindful siting and orientation of the building, acoustic seals and double or triple glazing are effective methods to further reduce noise transmission. **4J Noise and pollution** Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings Design Guidance Minimise impacts through design solutions such as physical separation from the noise or pollution source,	The main source of external noise intrusion is Walker Street; however, the building siting is appropriate with regarding to noise transfer. Where possible noisy areas within the proposed development including building entries and corridors have been located above each other and quieter areas above quieter areas. The party walls (walls shared with other apartments) will be appropriately insulated in accordance with BCA requirements. Internal layout provides for appropriate internal acoustic amenity within and between individual units. The site is not located in a noisy or hostile environment. The distribution of uses within the	Yes Yes

Standards/controls	Comment	Compliance
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission Design guidance: Design solutions include limiting openings to noise sources & providing seals to prevent noise transfer.	building and layout of the apartments assists in minimising the noise impacts.	
Part 4 – Designing the building - Configuration **4K Apartment mix** Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future Design guidance A variety of apartment types is provided The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups Flexible apartment configurations are provided to support diverse household types and stages of life Objective 4K-2 The apartment mix is distributed to suitable locations within the building Design guidance Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available	A variety of apartment types are proposed including studio, 1, 2, and 3 bedroom units. Different apartment types have been located to achieve successful facade composition and to optimise solar access and visual privacy. Two adaptable units is proposed. One studio and one single bedroom unit. The 3 bedroom units are considered to be located appropriately.	Yes
4L Ground floor apartments Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located Design guidance Direct street access should be provided to ground floor apartments Activity is achieved through front gardens, terraces and the facade of the building. Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents	The apartments located on Level 0 are not at ground floor level due to the slope of the site. These apartments are located at the rear of the building with amenity and appropriate safety afforded to future residents.	NA
4M Facades		

Standards/controls	Comment	Compliance
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area Design guidance To ensure that building elements are integrated into the overall building form and façade design The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building. Building services should be integrated within the overall facade Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. To ensure that new developments have facades which define and enhance the public domain and desired street character. Objective 4M-2 Building functions are expressed by the facade Design guidance Building entries should be clearly defined	The applicant has provided a colour and materials schedule with the DA. The schedule is considered generally acceptable. Front building façade features a combination of building elements and a mixture of materials Building services are integrated into the façade in a manner which will not reduce the design quality of the building. Commercial glazed shopfronts will occupy the street frontage of the ground floor, providing for street activation and business presence. Entries are well defined and access well resolved. Awnings are proposed to be provided along the street frontage. The proposed building entries are reasonably well defined. Building functions, ie residential and commercial functions are clearly expressed by the façade treatment and fenestration.	Yes
4N Roof design Objective 4N-1 Roof treatments are integrated into the building design and positively respond t other street Design guidance Roof design should use materials and a pitched form complementary to the building and adjacent buildings. Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised Design guidance Habitable roof space should be provided with good levels of amenity. Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations	The roof design is appropriate. No roof top services are indicated on the plans though conditions are recommended in relation to this issue. Communal open space is incorporated into the development. Shading louvres are proposed over a number of balconies which will provide shade in summer and sunlight in winter. The rooftop communal open space incorporates landscape planters.	Yes

Standards/controls	Comment	Compliance
Objective 4N-3 Roof design incorporates sustainability features Design guidance Roof design maximises solar access to apartments during winter and provides shade during summer **4O Landscape design** Objective 4O-1 Landscape design is viable and sustainable Design guidance Landscape design should be environmentally sustainable and can enhance environmental performance Ongoing maintenance plans should be prepared Objective 4O-2 Landscape design contributes to the streetscape and amenity Design guidance Landscape design responds to the existing site conditions including: • changes of levels • views • significant landscape features **4P Planting on Structures** Objective 4P-1 Appropriate soil profiles are provided Design guidance Structures are reinforced for additional saturated soil weight Minimum soil standards for plant sizes should be provided in accordance with Table 5 Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance Design guidance Plants are suited to site conditions Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces Design guidance Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls	Landscape design is generally satisfactory and satisfies relevant provisions as assessed by Council's Landscape Section. Building design incorporates opportunities for planting on structures. The landscaping on Levels 0 and 3 will contribute to the quality and quiet enjoyment of the space.	Yes Yes Yes

Standards/controls	Comment	Compliance
• wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes		
4Q Universal design		
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members Design guidance A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures Objective 4Q-2 A variety of apartments with adaptable designs are provided Design guidance Adaptable housing should be provided in accordance with the relevant council policy Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs Design guidance Apartment design incorporates flexible design solutions	The applicant has provided a report verifying that the adaptable unit can achieve compliance with the relevant standard. The proposed development achieves a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features.	Yes
4R Adaptive reuse Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	No new additions.	NA
4S Mixed use Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement Design guidance Mixed use development should be concentrated around public transport and centres Mixed use developments positively contribute to the public domain. Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents Design guidance	Mixed use proposal. Active street frontage is provided and development will contribute positively to the public domain. The location of the development site is appropriate with regard to accessibility and availability of public transport.	Yes

Standards/controls	Comment	Compliance
Residential circulation areas should be clearly defined. Landscaped communal open space should be provided at podium or roof levels	Separate circulation / entries are provided to the residential and commercial components of the development; clearly defined. Communal open space areas provided on Level 0 and at the rear of the site at ground level.	
4T Awnings and signage		
Objective 4T-1 Awnings are well located and complement and integrate with the building design		
Design guidance Awnings should be located along streets with high pedestrian activity and active frontages	An awning is proposed along the length of the street frontage of the building.	Yes
Objective 4T-2 Signage responds to the context and desired streetscape character		
Design guidance Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development	No specific signage proposed.	NA
Part 4 – Designing the building - Configuration		
4U Energy efficiency		
Objective 4U-1 Development incorporates passive environmental design Design guidance Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access) Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer Design Guidance Provision of consolidated heating and cooling infrastructure should be located in a centralised location Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	The applicant has obtained a BASIX certificate which confirms that the proposed development will achieve the required energy efficiency and thermal comfort targets of the SEPP. Adequate natural light will be provided to all habitable rooms. Refer to discussion above at 4B in relation to natural ventilation.	Yes
4V Water management and conservation		
Objective 4V-1 Potable water use is minimised Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	The applicant has obtained a BASIX certificate which confirms that the proposed development will meet the NSW Government requirements for sustainability if built in accordance with the commitments set out in the	Yes

Standards/controls	Comment	Compliance
Design guidance Water sensitive urban design systems are designed by a suitably qualified professional Objective 4V-3 Flood management systems are integrated into site design Design guidance Detention tanks should be located under paved areas, driveways or in basement car parks	certificate. This relates to both energy and water efficiency. The stormwater design is satisfactory.	
4W Waste management		
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents Design guidance Common waste and recycling areas should be screened from view and well ventilated Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling Design guidance Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas	The applicant proposes waste storage within the carpark level. Waste will be transported to the garbage room from the residential units via the residents. Waste between commercial and residential is separated.	Yes
4X Building maintenance		
Objective 4X-1 Building design detail provides protection from weathering Design guidance Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used. Objective 4X-2 Systems and access enable ease of maintenance Design guidance Window design enables cleaning from the inside of the Building Objective 4X-3	The applicant proposes to use durable and readily cleanable materials. A large number of windows are unable to be accessed from balconies or terraces for ease of cleaning so other cleaning methods will be required to be employed.	Yes

Standards/controls	Comment	Compliance
Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant		

Attachment 6

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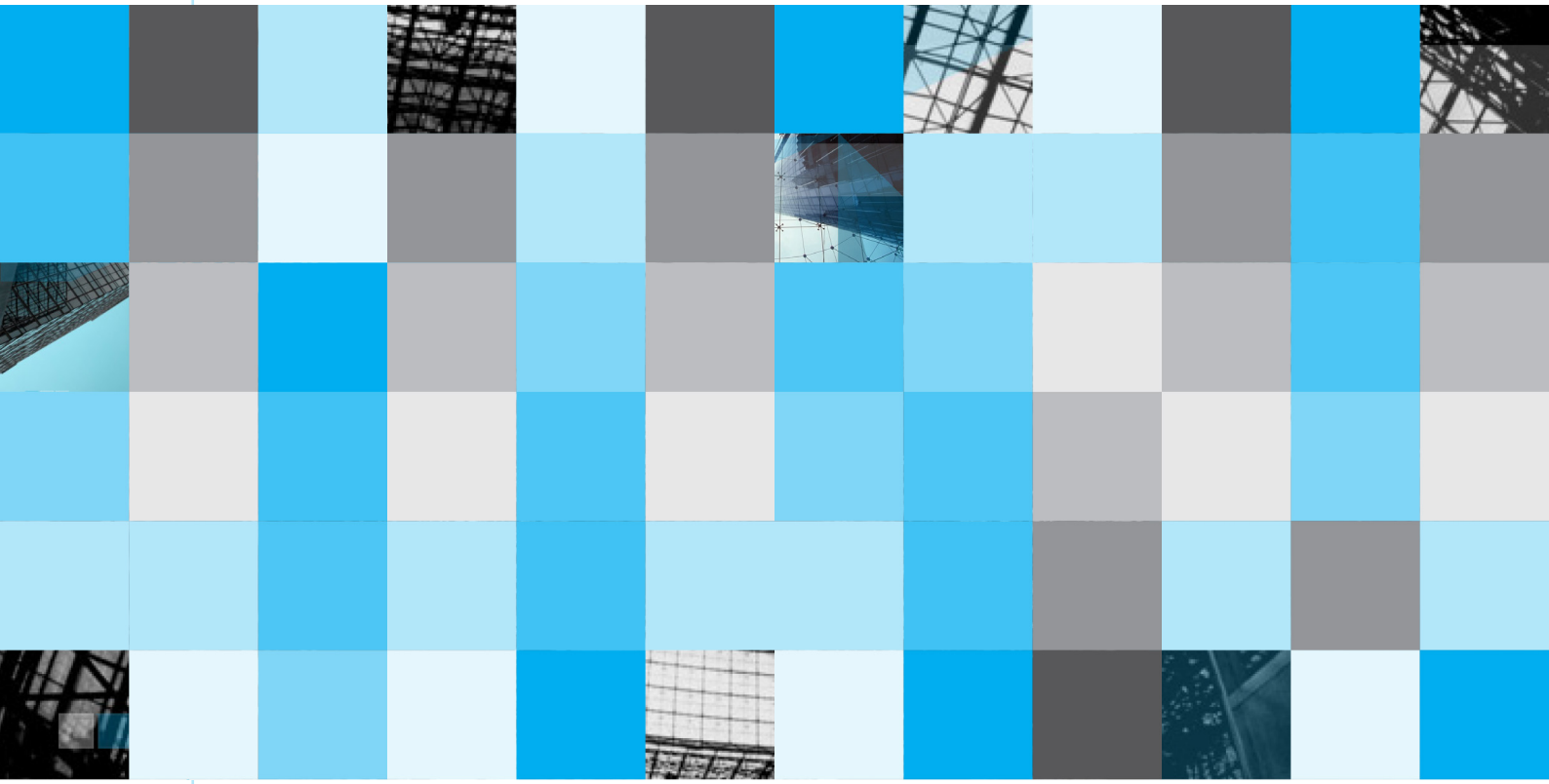

65-67 Walker Street, Helensburgh

Clause 4.6 Request – Height of Buildings

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Clause 4.6 Request – Height of Buildings

65-67 WALKER STREET, HELENSBURGH

July 2019

Prepared under instructions from
Walker Street Holdings Pty Ltd

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CONTENTS

1.0 CLAUSE 4.6 REQUEST – HEIGHT OF BUILDINGS

1.1 Introduction

This written request for an exception to a development standard is submitted in respect of the development standard contained within Clause 4.3 of the Wollongong Local Environmental Plan 2009.

The request relates to an application for demolition works, tree removal and the construction of a mixed-use development containing a ground floor (street level) commercial tenancy and 17 apartments at 65-67 Walker Street, Helensburgh.

1.2 Clause 4.6 Exceptions to development standards

Wollongong Local Environmental Plan 2009 applies to the land. Pursuant to clause 4.6(2) of the WLEP 2009 development consent may be granted for development even though the development would contravene a development standard imposed by the WLEP 2009, or any other environmental planning instrument.

Clause 4.6(2) also states that the clause does not apply to a development standard that is expressly excluded from the operation of the clause. Clause 4.3 is not expressly excluded from the operation of this clause.

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard at clause 4.3 of WLEP 2009.

1.3 Development Standard to be varied

Clause 4.3 is as follows:

> (1) The objectives of this clause are as follows:
>
> (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
>
> (b) to permit building heights that encourage high quality urban form,
>
> (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.
>
> (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

In accordance with clause 4.3(2) the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. The site is within area 'R' on the Height of Buildings Map and accordingly a height of 12 metres applies as shown in Figure 1.

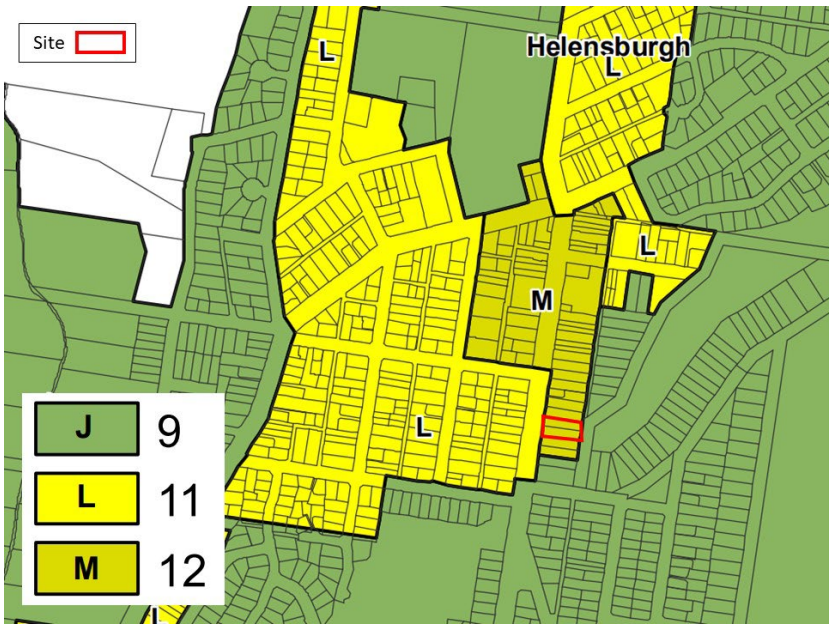


Figure 1:

Extract from the WLEP 2009 Height of Buildings map

Building height (or height of building) is defined as the vertical distance between ground level (existing) to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

1.4 Extent of Variation to the Development Standard

The majority of the development sits below the 12-metre height limit. The following elements exceed the height limit:

- The highlight window over the living area of Unit 17 exceeds the height variation by up to 355mm.
- The lift overrun exceeds the height limit by up to 1.015 metres. The maximum extent of the non-compliance occurs on the eastern side of the lift overrun. Section CC shows that the western side of the lift overrun exceeds the standard by between 374 and 461mm.
- The eave of the roof of Apartment 17 exceeds the 12 metre standard by up to 1.510 metres and the balustrade to the terrace area of Unit 17 by up to 916mm.
- Part of the southern and eastern sides of Apartments 14 and 15 exceed the standard by up to 1.990 metres.

The extent of the proposed variation from the height of buildings standard is clearly shown on Sections, Elevations and Height Plane Diagrams prepared by Environa Studio. Height Plane Diagram 1 (Drawing 906) has been included as Figure 2 below.

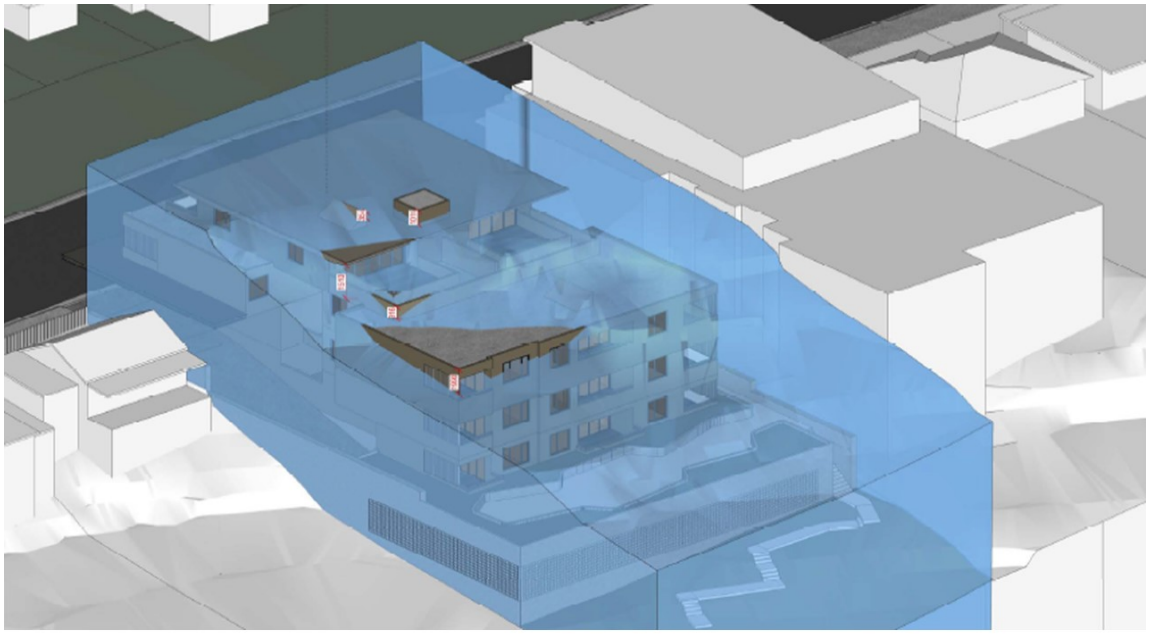


Figure 6:

Extract from Height Plane Diagram 1 (Drawing 906 prepared by Environa Studio)

Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in Wehbe v Pittwater Council [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In addition, in the matter of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 [34] the Chief Justice held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

This request addresses the five-part test described in Wehbe v Pittwater Council [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,

The development standard establishes the maximum height of buildings on the site. Clause 4.6 of the WLEP 2009 provides flexibility in applying the maximum height of buildings standard where compliance with the standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds and when the development is in the public interest.

The development fully complies with the maximum floor space ratio development standard that applies to the development with the gross floor area of the building 803.7 square metres lower than the maximum

permitted by the FSR standard. This indicates that the variation to the height standard is not a result of proposing excessive density on the site.

(b) to permit building heights that encourage high quality urban form,

The variation proposed to the height of buildings standard does not result in an adverse impact on the desired future character of the streetscape having regard to the minor nature of the variations and the setback of the non-complying elements from the street. The building height is generally consistent with the maximum height permitted on the site and is compatible with the scale of development at 61-63 Walker Street despite the proposed variation.

The development will provide a transition in height from the mixed-use development at 61-63 Walker Street to a future development on the adjoining property to the south. The development (including the lift overrun) has a height that is lower than the development at 61-63 Walker Street as is evident from the north-west elevation (Drawing 132). The building at 61-63 Walker Street has an RL of 258.13 whereas the proposed building as a height of RL255.98 to the roof of Level 3 and a height of RL257.18 to the lift overrun.

The variations to the height control are largely a result of the design's response to the specific characteristics of the site being the moderate fall of the site from the street to the rear boundary, the orientation of the site and the 25 metre APZ measured from the rear boundary. The design responds to these characteristics of the site by providing maximising the amount of car parking below existing ground level whilst limiting unnecessary excavation and disturbance to the natural landform, limiting the building footprint to minimise overshadowing and achieve compliance with the bushfire requirements. In this regard the proposed building height reflects the high quality of the design despite the variation proposed.

c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.

The non-complying parts of the building are setback from the street with the highlight window over apartment 17 setback 10.8-14 metres from the street and the lift overrun setback 16.4 metres from the street. As such these non-complying elements will have no impact on the streetscape nor will they contribute to the building appearing excessively bulky. Views to the sky and sunlight will be available to public areas despite the proposed variation.

The building footprint is limited to comply with APZ requirements and to minimise the extent of overshadowing of the private open space of the dwellings to the south. In this regard exposure to sunlight to the surrounding properties is maintained despite the height variation.

2. **the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

The underlying objective of the standard is relevant to the development.

3. **the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

The underlying objectives and purpose of the standard are relevant to the proposed development.

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**;

   The development standard has not been virtually abandoned however the standard has previously been varied.

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**.

   The zoning of land is appropriate.

Strict compliance with the development standard is unnecessary or unreasonable in the circumstance of this site as discussed below:

- The proposed development consistent with the WLEP 2009 objectives for building height as detailed above.
- The proposed development is consistent with the objectives of the B2 Local Centre zone.
- The proposed building height provides an appropriate height transition which responds to the local topography as detailed above. The non-complying areas of the building are setback from the street and will not contribute to an excessive bulk and scale when viewed from the street. In this regard requiring compliance is unnecessary as it would not result in a development that achieves greater compatibility or consistency with the adjoining development to the north or future development to the south.
- The proposed height non-compliance does not result in any unreasonable impacts on the amenity of the surrounding properties as detailed in this Statement. The shadow impact is largely unavoidable due to the orientation of the allotments and the heights permitted. The subject site is affected by the shadow cast by 61-63 Walker Street and the proposed development will cast a similar shadow over 69-71 Walker Street. The proposed variations do not result in any significant additional shadowing of the site to the south noting that the limited building footprint helps to maintain solar access to the rear open space of these properties.
- The non-compliance for the highlight window above the living room of Unit 17 assists in maximising solar access to this unit. The deletion of the highlight window would reduce the amenity of this apartment without any real benefit to the streetscape or the amenity of the surrounding properties. As such requiring compliance for this element of the building is unnecessary.

1.5 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

There are sufficient environmental planning grounds to vary the standard in that:

- The proposed variations are the result of a building that responds to the specific circumstances of the site being the moderate and uneven fall of the site from the street to the rear, the orientation of the site and attempts to minimise overshadowing of the adjoining property and the 25 metre APZ from the rear boundary which limits the footprint of the building.
- The majority of the building has been designed to comply with the height standard. The exceedance of the height control only relates to the lift overrun, the highlight window over Apartment 17 and the edge of Levels 2 and 3.
- The development complies with the maximum floor space ratio standard that applies to the site, being 803.7 square metres less than the maximum permitted. This indicates the intensity of development on the site is appropriate and consistent with the intensity of development that is expected in the B2 zone. The variation to the height is not a result of seeking to accommodate excessive floor space within the development.
- The building height is a consequence of the limited building footprint of the building. The footprint of the building is limited by the 25 metre Asset Protection Zone to the rear of the site. The reduced building footprint also assists in minimising the extent of shadowing over the private open space of the adjoining property to the south. A longer building would result in a greater impact on the adjoining building to the south.
- The non-complying elements of the building do not result in an adverse impact on the streetscape. The lift overrun is setback 16.4 metres from the street and the extent of non-compliance with the standard increases to the east. The highlight window above Unit 17 is compliant on the western side and has a variation of only 355mm on its eastern side. The highlight window is setback between 10.8 and 14 metres from the street. As such the variations will generally not contribute to the apparent bulk and scale of the development when viewed from the street.
- The variations to the rear of Levels 3 and 2 occur to the rear of the building and will generally not be visible from Walker Street.
- The non-complying elements of the building do not result in the loss of any iconic views available to the development to the west.

On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.

1.6 Clause 4.6(4)(a)(i) the consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five-part test described in Wehbe v Pittwater Council [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the

establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

1.7 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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.

Objective of the Development Standard

The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B2 Local Centre zone.

The objectives of the B2 Local Centre zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.

The development incorporates commercial floor space at street level to accommodate a use that will service the needs of people who live in, work in and visit the local area. The commercial floor space will create employment opportunities in an accessible location.

The development accommodates residential accommodation whilst providing a non-residential use adjoining the street to create an active street frontage that is lively, visually appealing and engaging for pedestrians.

In this regard the development is appropriate within the local centre in which it is located and is consistent with the objectives of the B2 zone.

1.8 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

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

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

As demonstrated above the proposal is consistent with the objectives of the zone and the underlying objectives of Clause 7.13(3)(a) notwithstanding the proposed variation to the standard.

The design of the proposed development responds to the specific features of the site including the topography, orientation and natural hazard and shadow impact of the development to the north. The design seeks to maximise internal amenity for occupants and minimise the visual and privacy impacts on the adjoining development. The resultant building envelope accommodates 1,983.3 square metres of floor space, 803.7 square metres less than permitted but exceeds the maximum height standard in several locations. The variations to the height standard do not result in any adverse impacts on the streetscape nor do they result in any unreasonable impacts on the surrounding properties. For these reasons it is appropriate to apply flexibility to the development standard in this instance.

Requiring strict compliance with the standard would result in features such as the loss of the eave, planter and highlight window to Apartment 17 without any necessary improvement to the streetscape or the amenity of the adjoining properties.

Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(b) of Clause 4.6 in that allowing flexibility in relation to the development standard and will achieve a better outcome in this instance.

1.9 Conclusion

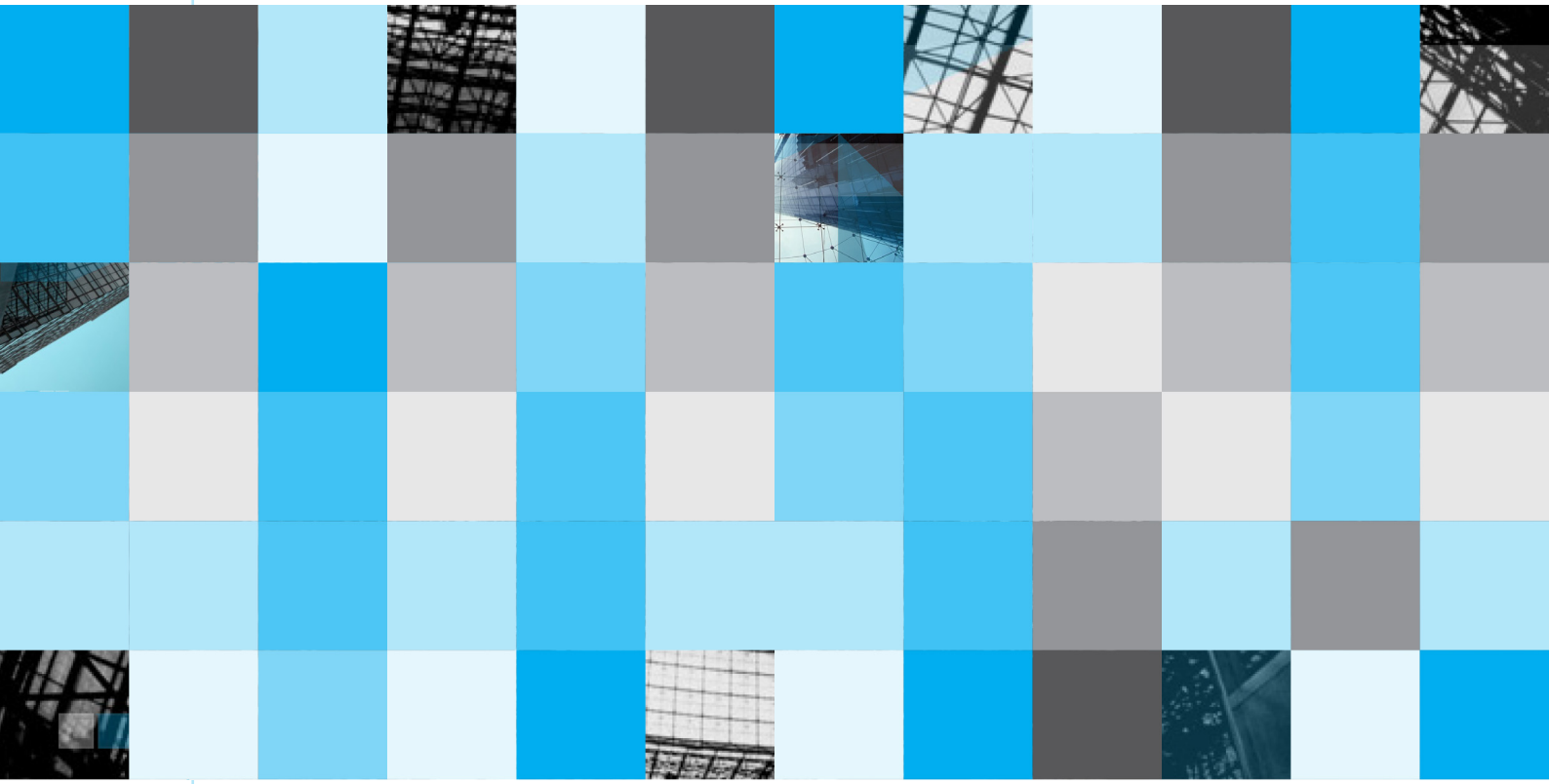
Strict compliance with the minimum height of buildings development standard contained within clause 4.3 of Wollongong Local Environmental Plan 2009 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition, there are sufficient environmental planning grounds to justify the variation. Finally, the proposed variation is in the public interest because it is consistent with the objectives of the standard and the zone. In this regard it is reasonable and appropriate to vary the standard to the extent proposed.

APPENDIX B

Sutherland & Associates Planning Pty Ltd

REQUEST TO VARY CLAUSE 7.13 B

SUTHERLAND
&ASSOCIATES
PLANNING



65-67 Walker Street, Helensburgh

Clause 4.6 Request – Clause 7.13

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Clause 4.6 Request – Clause 7.13

65-67 WALKER STREET, HELENSBURGH

July 2019

Prepared under instructions from
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CONTENTS

1.0 CLAUSE 4.6 REQUEST – CLAUSE 7.13

1.1 Introduction

This written request for an exception to a development standard is submitted in respect of the development standard contained within Clause 7.13 of the Wollongong Local Environmental Plan 2009.

The request relates to an application for demolition works, tree removal, site consolidation and the construction of a mixed-use development containing a ground floor (street level) commercial tenancy and 17 apartments at 65-67 Walker Street, Helensburgh.

1.2 Clause 4.6 Exceptions to development standards

Wollongong Local Environmental Plan 2009 applies to the land. Pursuant to clause 4.6(2) of the WLEP 2009 development consent may be granted for development even though the development would contravene a development standard imposed by the WLEP 2009, or any other environmental planning instrument.

Clause 4.6(2) also states that the clause does not apply to a development standard that is expressly excluded from the operation of the clause. Clause 7.13 is not expressly excluded from the operation of this clause.

Clause 4.6(3) states that development consent must not be grant for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3) the applicant requests that the development standard at clause 7.13 of WLEP 2009.

1.3 Development Standard to be varied

Clause 7.13 Certain land within business zones is as follows:

> (1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.
>
> (2) This clause applies to land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use, but does not apply to land to which clause 7.19 applies.
>
> (3) Development consent must not be granted for development for the purpose of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:
>
> (a) will not be used for the purpose of residential accommodation, and
>
> (b) will have at least one entrance and at least one other door or window on the front of the building facing the street other than a service lane.

Clause 7.13 applies to the land as it is in Zone B2 Local Centre pursuant to clause 2.2 of the WLEP 2009 and the WLEP 2009 Land Zoning Map. Clause 7.19 does not apply as the land is not identified as "Active street frontages" on the Active Street Frontages Map.

The term "ground floor" is not defined in the clause or in the Dictionary of the WLEP 2009. Ground level (existing) and Ground Level (finished) are defined in the Dictionary of WLEP 2009:

> ***ground level (existing)*** means the existing level of a site at any point.
>
> ***ground level (finished)*** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

As the term "ground floor" is not defined the ground floor is taken to be the floor or floors of the building that are closest to ground level (existing).

As the ground level of the site has a moderate fall from the street to the rear boundary three floors of the building are at ground level at some point (refer to Section AA and Section BB prepared by Environa Studio).

The ground floor to the rear of the building is the basement level, the rear of Level 0 is also at ground level. Ground level at the street is at Level 1.

The basement level is allocated to car parking for the residential and commercial components of the building. Basement Level and Level 0 are partly at the existing ground level and therefore require a variation to the requirements of clause 7.13(3)(a).

The development satisfies clause 7.13(3)(b) in that the development includes a glazed shop front to the commercial premises for a length of 15.8 metres (this includes a pedestrian entry) and a separate pedestrian entry to the residential component of the building.

1.4 Extent of Variation to the Development Standard

The sections and elevations prepared by Environa Studio show the existing ground level and the proposed floor levels.

The majority of Level 1 adjoining the street level is a commercial tenancy which satisfies both the objective of clause 7.13 and the standard set out in clause 7.13(3)(a). The rear of Level 0 is partly at the existing ground level and therefore requires a variation to the requirements of clause 7.13(3)(a).

The rear of the basement is located at ground level. The basement level is allocated to car parking for the residential and commercial components of the building. Whilst the basement is not residential accommodation it is associated with the residential accommodation on site and so for the sake of completeness this element of the building is addressed in this clause 4.6 request.

Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in Wehbe v Pittwater Council [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In addition, in the matter of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 [34] the Chief Justice held that "establishing that the development would not cause environmental harm and is consistent with

the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

This request addresses the five-part test described in Wehbe v Pittwater Council. [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. **the objectives of the standard are achieved notwithstanding non-compliance with the standard;**

   Clause 7.13(1) provides that the objective of the standard is to ensure active uses are provided at the street level to encourage the presence and movement of people.

   The development includes a shopfront to commercial premises located at the street level. The glazed shopfront extends along the majority of the building's frontage. The active use and frontage at the ground level will encourage the presence of movement of people.

2. **the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;**

   The underlying objective of the standard is to ensure active uses are provided at street level. The proposed development incorporates active an active use at street level and is therefore consistent with the underlying objective of the standard.

3. **the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;**

   The underlying objectives and purpose of the standard are relevant to the proposed development.

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**;

   The development standard has not been virtually abandoned however the standard has previously been varied. The standard was varied for a development at 115-117 and 131-141 Keira Street and 2A, 2-6 Thomas Street, Wollongong (DA-2017/2017).

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**.

   The zoning of land is appropriate.

Strict compliance with the development standard is unnecessary or unreasonable in the circumstance of this site as discussed below:

- The development meets the objective of the standard despite part of Level 0 being used for the purpose of residential accommodation.
- The provision of a greater proportion of commercial floor space on Level 1 would not of itself result in improved street activation.
- The provision of commercial floor space for the rear of the basement level and the rear of Level 0 would not contribute to the attainment of the objective of the standard.

- The provision of additional residential uses to the rear of Level 0 contributes to the presence and movement of people at street level.

1.5 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

There are sufficient environmental planning grounds to vary the standard in that:

- The variation to the standard does not result in an adverse impact to the streetscape. The development incorporates a commercial tenancy which has a 15.8 metre glazed shopfront and pedestrian entry to Walker Street, consistent with the objective of the standard and the standard.
- The provision of ground floor non-residential floor space on the basement level or Level 0 would not contribute to pedestrian activity or the pedestrian experience on Walker Street.
- Whilst the car parking to the rear of the basement is in part related to the residential component of the development car parking is a necessary element of any development of the site. It is not reasonable or practical to excavate further to create a basement that is entirely below ground level on this site in order to provide commercial floor space at this level, particularly when it does not contribute to the attainment of the objective of the standard.

On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.

1.6 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five-part test described in Wehbe v Pittwater Council [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

1.7 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that 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.

Objective of the Development Standard

The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B2 Local Centre zone.

The objectives of the B2 Local Centre zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.

The development incorporates commercial floor space at street level to accommodate a use that will service the needs of people who live in, work in and visit the local area. The commercial floor space will create employment opportunities in an accessible location.

The development accommodates residential accommodation whilst providing a non-residential use adjoining the street to create an active street frontage that is lively, visually appealing and engaging for pedestrians.

In this regard the development is appropriate within the local centre in which it is located and is consistent with the objectives of the B2 zone.

1.8 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

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

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

As demonstrated above the proposal is consistent with the objectives of the zone and the underlying objectives of Clause 7.13(3)(a) notwithstanding the proposed variation to the standard.

Requiring strict compliance with the standard would result in the provision of commercial floor space on the basement level or Level 0 which would not contribute to the attainment of the objective of the control.

Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(b) of Clause 4.6 in that allowing flexibility in relation to the development standard and will achieve a better outcome in this instance.

1.9 Conclusion

Strict compliance with the minimum height of buildings development standard contained within clause 7.13(3)(a) of Wollongong Local Environmental Plan 2009 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition, there are sufficient environmental planning grounds to justify the variation. Finally, the proposed variation is in the public interest because it is consistent with the objectives of the standard and the zone. In this regard it is reasonable and appropriate to vary the standard to the extent proposed.

Attachment 7 – Draft Conditions

Approved Plans and Specifications

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

Site Plan and Locality Plan 020-K dated 25 November 2019 prepared by Environa Studio
Basement Plan 101-K dated 25 November 2019 prepared by Environa Studio
Level 0 Plan 102-K dated 25 November 2019 prepared by Environa Studio
Level 1 Plan 103-K dated 25 November 2019 prepared by Environa Studio
Level 2 Plan 104-K dated 25 November 2019 prepared by Environa Studio
Level 3 Plan 105-K dated 25 November 2019 prepared by Environa Studio
Roof Plan 110-K dated 25 November 2019 prepared by Environa Studio
Section AA Plan 120-K dated 25 November 2019 prepared by Environa Studio
Section BB Plan 121-K dated 25 November 2019 prepared by Environa Studio
Section CC Plan 122-K dated 25 November 2019 prepared by Environa Studio
Section DD Plan 122-K dated 25 November 2019 prepared by Environa Studio
South West Elevation Plan 130-K dated 25 November 2019 prepared by Environa Studio
North East Elevation Plan 131-K dated 25 November 2019 prepared by Environa Studio
North West Elevation Plan 132-K dated 25 November 2019 prepared by Environa Studio
South East Elevation Plan 133-K dated 25 November 2019 prepared by Environa Studio
Materials + Finishes Schedule 210-K dated 25 November 2019 prepared by Environa Studio

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 **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.

3 **NSW Rural Fire Service (RFS)**
Pursuant to Section 4.14 of the Environmental Planning and Assessment (EP&A) Act 1979 – requirements imposed by the NSW RFS dated 15 August 2019 as attached shall form part of this Notice of Determination.

4 **Tree Management**
The developer shall remove existing trees indicated on Concept Landscape Plan by Conzept Issue D dated 25 October 2019 consisting of *Pinus radiata, Schleffera actinophylla* and *Eucalyptus sp*. Total number: three (3 No.).

Underboring/excavation by hand under arborist supervision to be undertaken for any works within proposed stormwater easement within Tree Protection Zone (TPZ) of existing trees to be retained.

Any branch or root 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.

Tree Protection measures to be implemented including and not restricted to: site induction, compliance documentation, modified footings, sub surface utility siting, crown lifting, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones (TPZ) and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

5 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.

6 **Construction Certificate**

A Construction Certificate must be obtained from Council or 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.

Prior to the Issue of the Construction Certificate

7 **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.

8 **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.

9 **Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

a rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped, palisade or colorbond fences;

b any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements; and;

c comply with the principles in Appendix 5 of Planning for Bush Fire Protection 2006 and Standards for Asset Protection Zones (NSW Rural Fire Service) and recommendations included in Bushfire Assessment report by Peterson Bushfire Expert Consulting Services Ref. No. 15012 Author David Peterson dated 4 June 2019.

d fencing to suit character of local area;

This requirement is to be reflected on the Construction Certificate plans.

10 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.

11 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.

12 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, three (3 No.) 75 litre container advanced mature plant stock

shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Waterhousea floribunda Sweeper* Weeping Lilli Pilli or B*rachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

13 **Tree Protection Measures**

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

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

b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifying Authority indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

14 **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.

15 **Landscaping**

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

a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly Acmena smithii) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, B*rachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species for the Helensburgh area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;

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

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

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

e the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species;

f landscaping to the site is to comply with the principles in Appendix 5 of Planning for Bush Fire Protection 2006 and Standards for Asset Protection Zones (NSW Rural Fire Service), take into consideration PBP 2018 and recommendations included in Bushfire Assessment report by Peterson Bushfire Expert Consulting Services Ref. No. 15012 Author David Peterson dated 4 June 2019;

g any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm;

h existing sandstone kerb to be retained;

i grade crossfall of footpath to be consistant and not undulate as currently exists in NW corner; and;

j safe maintenance access to be provided to all raised planter boxes.

The completion of the landscaping works as per the final approved Landscape Plan

16 **Footpath Paving in Commercial Village Centres**

The developer is responsible for the construction of footpath paving for the entire frontage of the development. In keeping with the surrounding commercial precinct and the Business Centres Public Domain Technical Manual the type of paving for this development is Brick Paving - Pattern: Header course to back of kerb and along the boundary line, with a header course perpendicular to the kerb at approximately 7m intervals. Infill: Herringbone pattern, 90° to the kerb. Pavers: 230 x 114 x 50mm, Austral, Grove, 'Firestone Red' or approved equivalent.

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.

17 **Street Trees Commercial Village Centres**

The developer must address the street frontage by installing street tree planting with edging/tree grate and tree guards. In keeping with the surrounding commercial precinct and the Business Centres Public Domain Technical Manual the type of the number and species for this development are three (3 No.) Tristaniopsis laurina 'Luscious' 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use.

Trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

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

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

18 **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.

19 **Car Parking and Access**
The development shall make provision for the following:

Residential

- 27 residential car parking spaces (including 2 spaces capable of adaption for people with disabilities).
- 4 residential visitor car parking spaces.
- A minimum of 2 residential motorcycle parking spaces.
- A minimum of 6 secure (Class B) residential bicycle spaces.
- A minimum of 1 residential visitor bicycle spaces (Class C).

Commercial

- 5 commercial car parking spaces (including 1 car parking space for people with disabilities).
- A minimum of 1 commercial motorcycle parking spaces.
- A minimum of 1 secure (Class B) employee bicycle spaces.
- A minimum of 1 commercial visitor bicycle spaces (Class C).

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

20 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.

21 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.

22 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.

23 The development shall make provision for suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. The basement must include the provision of a 'Stop, Give Way to Entering Vehicles Area' adjacent to car parking spaces 4 and 5. These details shall be reflected on the Construction Certificate plans.

24 **Security Roller Shutters for Basement Car Parking Areas**
The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifier prior to the release of the Construction Certificate.

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

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

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

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

a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by SGC Engineering, Reference No. 20190079, revision G, dated 5 December 2019.
b Include details of the method of stormwater disposal. Stormwater from the development must be piped to a transpiration disposal system.
c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

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

a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 12.2.4 of Chapter E14 of the Wollongong DCP2009. Sizing calculations are to be revised to accurately reflect pre-existing and post-development impervious areas.
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-2019/756;
  - Any specialist maintenance requirements.

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

30 **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.

31 **Walker Street – Detailed Civil Engineering Design – Council Land**

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council Land. The details must be submitted to and approved by Councils Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Level 1 Plan reference 941_103_K prepared by Enviro Studio and dated 25 November 2019 and shall include:

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

b Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.

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

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

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

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

32 **Stormwater Disposal System**
Stormwater from the proposed development shall be piped to a suitable transpiration disposal system designed by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP2009. The disposal system shall be aligned across the slope of the land (i.e. parallel to the contours) and located a minimum of 3 metres from the property boundaries and a minimum 5 metres from all buildings. The disposal system shall be designed to ensure that surcharge overflows and/or surface discharge flows will be dispersed in a way that replicates natural overland flow conditions downstream of the site. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

33 **Dilapidation Survey**
A dilapidation survey and report shall be submitted to the Principal Certifier.

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

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

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

34 **Geotechnical Certification of Stormwater Design**
Certification is required from a suitably qualified geotechnical engineer endorsing the Construction certificate stormwater design. The certification must clearly state that the construction certificate stormwater design has been reviewed (reference to the drawing should be included) and that the proposed stormwater design will not cause any adverse impact on geotechnical conditions. This certification must be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

35 **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, 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.

36 **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.

37 **Noise Transmission**
Noise transmission is to be controlled between sole occupancy units in accordance with Part F5 of the Building Code of Australia.

38 **Bushfire Attack Level (BAL)**
New construction of the western elevation(s) of the proposed works shall comply with sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

The construction requirements for BAL 29 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifier prior to the issue of the Construction Certificate.

Bushfire Attack Level (BAL)
New Construction of the roof, northern, southern and eastern elevation(s) of the proposed works shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

The construction requirements for BAL 40 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' shall be reflected on the Construction Certificate plans and supporting.

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

40 **Development Contributions**
Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of $59,780.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

Contribution at time of payment = $C x (CP2/CP1)
Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online (Full payment only)	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1137460	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque

PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council
(Personal or company cheques are not accepted)

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

Prior to the Commencement of Works

41 **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.

42 **Unexpected Finding Protocol**

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

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

43 **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.

44 **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.

45 **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.

46 **Demolition Works**
The demolition of the existing buildings / 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 Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

47 **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.

48 **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.

49 **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.

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

a installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
b mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
c irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

51 **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.

52 **Protection of Public Infrastructure**
Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

53 **Appointment of Principal Certifier**

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

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

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

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

54 **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.

55 **Bushfire – Inner Protection Area**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

56 **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.

57 **Erosion and Sediment Control Measures**
Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

During Demolition, Excavation or Construction

58 **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.

59 **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>).

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

61 **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.

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

63 **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.

64 Under awning lighting is required to the street frontage to Walker Street.

65 If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

a must preserve and protect the adjoining building from damage; and
b if necessary, must underpin and support the building in an approved manner; and
c must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

66 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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 **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.

69 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

70 **Landscaping**
Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.

71 **Erosion and Sediment Control Measures**
Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

72 **Survey Certificate**
The submission of a Survey Certificate to the Principal Certifying Authority at footings and/or formwork stage (whichever occurs first) confirming:

- the set out of the boundaries of the site,
- actual siting of the buildings and
- siting levels comply with the approved plans.

Prior to the Issue of the Occupation Certificate

73 **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.

74 **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.

75 **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.

76 **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.

77 **Stormwater Disposal System Certification**
The submission of a certificate from a suitably qualified and experienced civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify that the transpiration stormwater disposal system has been constructed in accordance with the Construction Certificate plans approved by the Principal Certifying Authority.

78 **Bushfire – Compliance Certificate**
A Compliance Certificate shall accompany any Occupation Certificate for Bushfire construction works as have been completed, verifying that the development has been constructed in accordance with the relevant Bushfire Attack Level (BAL) requirements of the Development Consent and Construction Certificate.

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

80 **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.

81 **Works-as-Executed Plans – Works within Council Land**
The submission of a Works-As-Executed (WAE) plan for works within Council land must be submitted to Councils Development Engineering Manager for assessment, prior to the release of the occupation Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed.

The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

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

82 **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.

83 **Consolidation of Lots**
Council requires consolidation of Lots 17 and 18 DP 2205 into a single title to create one lot prior to the issue of the Occupation Certificate.

84 **Access Certification**
Prior to the occupation of the building, the Principal Certifying Authority must ensure that a certificate from an "accredited access consultant" has been issued certifying that the building complies with the requirements of AS 1428.1.

85 **Dilapidation Report Post Construction**
A Dilapidation Report detailing the current structural condition of adjoining buildings 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 Occupation Certificate.

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

86 **Fire Safety Certificate**
A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- Must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

Operational Phases of the Development/Use of the Site

87 All convex mirrors within the basement car park must be maintained in a good state of repair by the strata management, so that they are in good condition and operational at all times.

88 **Site Facilities**
Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature.

89 **Loading/Unloading Operations/Activities**
All loading/unloading operations are to take place at all times wholly within the confines of the site.

90 **Maintenance of Inner Protection Area**
The Inner Protection Area must be maintained at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bushfire.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.

- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
  - no part of the tree overhangs within two (2) metres of any building.
  - the canopy is discontinuous such that tree crowns are separated by a minimum of 10 metres where the APZ adjoins tall open forest, open forest or low open forest.
  - the canopy is discontinuous such that tree crowns are separated by a minimum of five (5) metres where the APZ adjoins woodland or other vegetation type.
  - they are smooth barked species or, if rough barked, shall be maintained free of decorticating bark and other ladder fuels (rough barked species are not encouraged).
  - a well-watered and maintained vegetable garden may be located within the IPA.
  - no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
  - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reasons

The reasons for the imposition of the conditions are:

1 To minimise any likely adverse environmental impact of the proposed development.

2 To ensure the protection of the amenity and character of land adjoining and in the locality.

3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.

4 To ensure the development does not conflict with the public interest.

Notes

1 This consent becomes effective and operates from the date shown as "**Endorsement Date"** on the front page of this notice. This consent will lapse unless development is commenced within five (5) years from the endorsement date shown on this notice.

2 Section 8.7 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.

3 Section 8.3 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review of the determination must be made within six (6) months from the date of receipt of this notice. In the absence of a pending appeal before the Land and Environment Court, the request for review, and the review by Council, must all be completed within the abovementioned six (6) month time period. Accordingly, applicants are advised to provide Council with sufficient time to complete the review within this period, failing which the determination cannot be reviewed. The request must be accompanied by the fees set by the Environmental Planning and Assessment Regulation.

A right of review of determination does not exist for a determination made in respect of a Designated Development.

4 The holder of a development consent that is being acted upon must also hold a current:

a Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.

5 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.

6 A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.

7 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.

8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website www.wires.org.au for more information.

9 Before undertaking renovation or demolition work, or removing materials from site during development works refer to Council's website for further information.

http://www.wollongong.nsw.gov.au/development/regulations/Pages/Renovations-Demolition.aspx
http://www.wollongong.nsw.gov.au/services/household/Pages/chemicalcleanout.aspx

This letter is authorised by:

Maria Byrne
Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111

enc

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433

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

Your Ref: DA-2019/756
Our Ref: D19/2613
DA19080219846 EJ

ATTENTION: Maria Byrne

15 August 2019

Dear Sir / Madam

Development Application - 65 Walker Street Helensburgh 2508; 67 Walker Street Helensburgh 2508

I refer to your correspondence dated 26 July 2019 seeking advice regarding bush fire protection for the above Development Application in accordance with Section 4.14 of the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

3. Pedestrian access to the rear of the property shall be provided.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. Construction of the roof, northern, southern and eastern elevation(s) of the proposed works shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
5. Construction of the western elevation(s) of the proposed works shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

Landscaping

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Should you wish to discuss this matter please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely

Kalpana Varghese
Team Leader Development Assessment and Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au