# **Wollongong Local Planning Panel Assessment Report** | 4 March 2020

WLPP No.	Item No. 1
DA No.	DA-2019/1122
Proposal	Demolition of existing structures and construction of a 15 storey mixed use development comprising 60 residential units 6 commercial tenancies and parking for 89 vehicles.
Property	20 - 26 Young Street, WOLLONGONG
Applicant	Design Workshop Australia
Responsible Team	City Centre Major Development Team (NL)

# ASSESSMENT REPORT AND RECOMMENDATION

# **Executive Summary**

# Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by clause 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the proposal is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies and is 4 or more storeys in height.

# Proposal

The proposal is for demolition of all structures on the site and construction of a 15 storey mixed use development comprised of 60 residential units and 6 commercial tenancies above basement parking for 89 vehicles.

# Permissibility

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

# Consultation

The proposal was notified in accordance with Council's Notification Policy and received five submissions which are discussed at section 2.9 of the assessment report. Council's geotechnical stormwater, landscape, traffic and environment officers have reviewed the application and provided satisfactory referral comments. External comments have been provided from Endeavour Energy

# Main Issues

There are no outstanding issues.

# RECOMMENDATION

It is recommended that the proposal be approved subject to the draft conditions at Attachment 7.

# **1 APPLICATION OVERVIEW**

# 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

#### State Environmental Planning Policies

- SEPP 55 Remediation of Land
- SEPP 65 Design Quality of Residential Apartment Development
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004

#### Local Environmental Plans

• Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

• Wollongong Development Control Plan (WDCP) 2009

#### Other policies

• Wollongong City-Wide Development Contributions Plan 2019

#### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The involves demolition of all structures on the site and construction of a 15 storey mixed use development with 3 levels of basement car parking containing 89 car spaces, two levels of commercial space and 60 units above.

The residential tower is made up of the following:

- 2 x studio
- 6 x one bedroom
- 40 x two bedroom
- 12 x three bedroom

This includes 6 units which are adaptable and 6 of which are liveable.

#### **1.3 BACKGROUND**

A Design Review Panel was held on 1 November 2018 (DE-2018/158).

A Pre-lodgement meeting was subsequently held on 24 May 2019 (PL-2019/70).

A second Design Review Panel meeting was held on 14 November 2019 following lodgement of the DA and the notes and recommendations from that meeting are contained at Attachment 6. The plans have been amended to address the recommendations of the Panel as discussed at section 1.4.2.

#### **1.4 SITE DESCRIPTION**

The site is located at 20 - 26 Young Street, Wollongong and the title references are:

- Lot 45 Sec 5 DP 1258
- Lot 44 Sec 5 DP 1258
- Lot 43 Sec 5 DP 1258

• Lot 42 Sec 5 DP 1258

The site is regular in shape and generally falls from south to north and has frontage to both Young Street and Belmore Streets.

A large mixed use development was approved on the adjoining land to the south in DA-2018/973 by the Local Planning Panel on 20 March 2019. That site also had a previous approval for a mixed use development incorporating a hotel under DA-2016/1061 which was determined by the Regional Planning Panel on 12 May 2017. Both approvals remain active.

To the north of the site are three lots, two of which contain single storey buildings, the third on the corner being vacant.

The with is within the city centre with the locality being broadly characterised by a mixture of commercial and residential development of varying scale.

#### Property constraints

Council records identify the land as being impacted by Acid sulphate soils. No concerns are raised in this regard as further discussed at clause 7.5 of WLEP 2009 below.

#### **1.5 SUBMISSIONS**

The application was notified in accordance with Council's Community Engagement Policy. Five submissions were received and the issues identified are discussed below.



Figure 1: Notification map

# Table 1: Submissions

Concern	Comment	
Impacts on natural light to 2-12 Young Street	The subject property is located to the south of 2-12 Young Street and will not be overshadowed by the proposal. Whilst there will be overshadowing of the public domain, this is not considered unreasonable given the permitted heights and bulk for the locality and centre CBD location. The overshadowing does not fall on any areas protected by Council's sun plane protection controls.	
Obstruction of air flow to 2-12 Young St	There is adequate separation between the subject site and 2-12 Young Street combined with the permitted heights and bulk for the locality and centre CBD location.	
Construction impacts (noise, dust, impacts to foundations of adjoining development etc)	A Construction Noise and Vibration Management Plan has been submitted. The recommendations of this plan are reflected in the draft conditions of consent.	
Privacy impacts	The site is located within the commercial core of the CBD and has generous height and floor space provisions. The proposed built form is consistent with the applicable controls including visual privacy requirements, which largely relate to appropriate setbacks from side boundaries.	
Increased traffic	Traffic impact assessment submitted which concluded the functioning of nearby intersections would not be compromised by the proposal. Councils Traffic Engineer has provided a satisfactory referral.	
Excessive height	The proposal is below the maximum permitted height limit for the site and is not to contribute adverse impacts. The proposal is acceptable regarding the other applicable controls.	
Impacts on on-street parking	The proposal satisfies Council controls with respect to car parking. It is also noted that streets immediately around the proposal have metred parking. Impacts of the development to availability of on-street car parking are therefore not considered to be a significant concern. Councils Traffic Engineer has provided a satisfactory referral.	
Overshadowing of recently approved mixed use development on land immediately to the south	The proposal includes view from the sun diagrams for hourly intervals in winter indicating the minimum solar access requirements to the property to the south will not be compromised and still achieve compliance with the apartment design guide.	

# **1.6 CONSULTATION**

#### **1.6.1 INTERNAL CONSULTATION**

Council's geotechnical stormwater, landscape, traffic and environment officers have reviewed the application and provided a satisfactory referral. Recommended conditions of consent and are included in the draft consent.

#### **1.6.2 EXTERNAL CONSULTATION**

#### Endeavour Energy

Endeavour Energy have reviewed the proposal in respect of potential impacts on Endeavour Energy Network Connections and infrastructure adjacent to the site. They have advised of appropriate procedures to be followed for the developer.

#### **Design Review Panel**

The application was reviewed by the Design Review Panel on two occasions. The first time Prelodgement and the second time under the requirements of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development clause 28. The Panel notes from the most post lodgement meeting is contained at Attachment 6. There were a number of recommendations made by the Panel that have been addressed in revised plans as detailed below.

- The step down in podium height to the development approved on the adjacent site under DA-2018/973 was noted. It was further recommended it be confirmed that the indicated adjacent works describe the current consent.
  - Response: The design of the proposal is considered to respond appropriately to the recently approved development on adjoining land (DA-2018/973). It is noted that the prior approval for that site (DA-2016/1061) had a podium height of 6 stories adjacent to this site. Whilst there is a significant difference in the height of that podium compared to the current proposal, the design of the proposal is such that the podium height of the development to the south will not have any significant detrimental impact on the subject proposal. The street frontage height will appear somewhat discordant however the street frontage height of the current proposal is considered a much better urban form outcome than the larger podium of the earlier approval and there would not be a benefit in the proposal replicating this.
- Concern regarding the presentation of the podium wall, particularly to the northern boundary. Recommended robust measures to provide a high quality interface given that elevation will be potentially exposed for the medium to long term. That should include integral pattern designs rather than applied.
  - Response: The treatment of the podium wall now includes stencilled concrete pattern rather than chequered colour.
- It was recommended that the boundary walls be dropped to just above the ground floor and the 'Zen' garden glass roofs be removed to provide open, landscaped break-outs and light sources to the commercial areas.
  - **Response**: This has been amended accordingly.
- A technical compliance verification of GFA measurement is recommended, e.g. are ramps, stairs and bathrooms within sole occupancy commercial areas GFA? What is the GFA status of excessive commercial/ communal area ceiling heights?
  - Response: Ramps, stairs and bathrooms within sole occupancy commercial areas have been included in GFA calculations. Generous floor to ceiling heights are not considered to present an issue with respect to GFA. Whilst they do add bulk to the building, there are no additional use implications and are not considered to result in undesirable bulk.

- To meet reasonable 'design excellence' the panel considers that measures beyond statutory compliance with water and energy management are required. It is expected that all water from roofs and hard surfaces will be harvested, stored and used for plant maintenance via an irrigation system. To be effectively maintained these planted areas must be managed by the body-corporate. Consideration should be given to supplementing power supply to common area systems with solar power, maximizing PV panel arrays to unused roof areas, and supported by suitable battery storage. Sustainability issues with over-height commercial and common areas should be investigated and remedial measures adopted. Drying areas and areas for air handling units can be accommodated within balcony spaces provided that they are not visible from the public domain.
  - Response: A condition of consent is recommended with respect to rainwater capture and reuse. Solar panels are now incorporated over the communal open space area on level 13.
- The indoor 'zen' gardens may be more valuable as outdoor spaces and lightwells into the GF commercial zones as opposed to internalised spaces. Achieving requirements for water but especially sunlight may be easier if revised. Consideration could also be given to the southern edge garden being moved towards the lobby / concierge area to create more light in the lobby. The proposed green-wall in the lobby may be relocated to take advantage of sunlight if achievable. Advantage of the garden above could be taken to have plants spill down from above. The planter that separates the residential and commercial lobbies feels token. There could a better separation be created between these two entries to better delineate them stepping the facade or similar may be explored. The Panel understands that these measures have been introduced to comply with Council's DCP provision that requires no point in a commercial tenancy to be more than 20m from a natural light source; however, if introduced, these measures need to make a meaningful contribution to the internal amenity of the commercial units. If not well integrated, they will become overlooked spaces with no visual interest.
  - Response: The height of the podium wall adjacent to the indoor "zen" gardens has been lowered and the roof above removed.
- Level 1: The garden opposite the meeting room and gym should be considered if becoming usable space that complements the internal functions is viable. Likewise this could be done for the southern garden, although there the idea of a garden for aesthetics only is more logical.
  - Response: The treatment of this space has been amended to function more as possible extensions to the indoor space.
- Level 3 and above: The general arrangement of the COS is good. It would benefit the development
  overall to consider how the spaces work as a suite of spaces. Currently the use and materiality of
  each is very similar adding some variety should be considered to provide a larger variety of
  program / amenity.
  - **Response**: The COS space has been revised to provide separate spaces.
- Level 3: It should be considered whether the COS could be extended north, on either or both sides of the development, to increase the space available to residents.
  - Response: Extending the COS further north may introduce privacy issues to potential future development to the north. This was not amended on that basis.
- Materiality feels warm and inviting some spaces may benefit from a change in materiality to
  distinguish them from others. As each space is entered the water feature appears to be strangely
  located in pavement. Consideration should be given to how this impacts the space. Given the
  potential views both east and west perhaps opening this up would be better, or perhaps the
  planter or pebble edge could angle in to contain the water feature. A larger planter may be
  considered as this would also create a stronger buffer between the POS and COS buffers are

generally a little narrow on this level. Consider whether the edge could be exposed to residents in some instances to take advantage of views without a planter between.

- Response: Plans have been amended however the podium planter remains for the perimeter of the area. This is not considered to be to the detriment of the functionality and amenity of that area.
- Level13: Generally, the arrangement is good, but it appears that better variety could also be achieved on this level with minor adjustments. Consider varying the size and arrangement of the small spaces to create spaces for varying sized groups and also to create better privacy between the spaces to allow use by different groups simultaneously.
  - **Response**: The level 13 communal open space is now formed of three separate areas.
- Consideration should be given to reconfiguring typical floor (unit 401, 402) balconies to wrap around north side of living room (in lieu south side). This would provide better sun access and reduce interlot privacy issues to the south. Proposed screening to Units 403, 404 should be designed to manage on site overlooking.
  - Response: The balconies for these units have been wrapped to the north side of these units rather than the south.
- Design development should include resolution basement car-park exhaust discharge sensitively integrated into design and meeting health and amenity standards.
  - Response: Basement exhaust is discharged to the roof and the ducting is illustrated on the plans.
- Areas outside L1 Meeting Rooms/Gym should be designed to complement internal functions see also landscape for further comments.
  - **Response**: This has been amended accordingly.
- The panel recommends relocating the position of the mailboxes in the residential lobby. Currently, the mailboxes are in direct line of sight from the street and they should be located to a more discreet location. The current location should be utilised as a mural wall to enhance the arrival sequence.
  - **Response**: This has been suitably amended.
- The internal layouts of units e.g. 401, 404 and similar could benefit from a reconfiguration of the entry sequence to these units so that the kitchen is not visible upon first arrival. The laundry and store area can be reconfigured to create a sense of arrival through a foyer to redirect the entry sequence more directly to the living area and away from the cooking areas.
  - **Response**: This has been suitably amended.
- On structure edge planting areas are to include BCA compliant safety balustrading. This should be designed sensitively to avoid the feeling of excessive height adjacent to these spaces from both inside and outside of the development.
  - Response: The applicant has reviewed this element and is satisfied all balustrading will be BCA compliant.
- It is suggested that extending the podium roof planting for the full frontage would considerably enhance the podium/tower demarcation viewed from the public domain.
  - Response: The proponent has retained podium roof plant arrangements as opposed to extending the full length of the podium as this would increase the street frontage height appearance in terms of bulk and presentation.

- Street awnings to both streets should be finessed considering a resolved interface with future
  adjacent awnings, allowances for mature growth of street trees and parallel alignment with the
  kerbs. The awning height has been designed to ensure the functionality in respect of protection
  from rain and also to tie in with the façade. Due to the slope of the land, it would be difficult to
  match awning height with future development on adjacent land.
  - Response: The awnings have been amended to have parallel alignment to the curb. Offset from the curb and awning heights have been reviewed by Council's Landscape Officer as satisfactory with respect of the proposed street tree planting. The awning is considered to
- The strong contrasting horizontal and vertical expression of the tower is supported but appears compromised by the wide eaves capping the uppermost level.
  - **Response**: Roof capping has been removed.
- The vertical expression central to the north facade seems overly complex, and needs refining, perhaps with less projecting 'columns'. It is recommended the clarity of the design theme be finessed and simplified. While the expression of the podium is acceptable under a common horizontal frame, the Panel suggested for the Applicant to explore ways to introduce additional vertical articulation to increase the perception of 'fine grained' articulation to further enhance the pedestrian experience.
  - **Response**: The northern elevation has been amended to remove the projecting columns.

The matters raised for consideration by the Panel are considered to have been suitably addressed in revised plans and Reconsideration by the Panel was not required.

# 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

# 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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. The proposal does not comprise a change of use. The proposal is supported by a Detailed Site Investigation prepared by a suitably qualified consultant. The investigations undertaken found that there was no identified contamination on site that would preclude the land use or warrant remediation and several recommendations were made for the construction stage. Council's Environment Officer has reviewed the proposal in this regard and is satisfied that the proposal does not raise any concerns regarding contamination subject to conditions of consent.

No concerns are raised regarding contamination as relates to the intended use of the land and the requirements of clause 7.

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

The development is subject to the provisions of SEPP 65 and the Apartment Design Guide (ADG).

The application was accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000. Clause 28 provides that the application must be referred to the relevant design review panel (if any) for advice concerning the design quality of the development while Clause 28(2) provides that a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):-

- (1) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (2) the design quality of the development when evaluated in accordance with the design quality principles, and
- (3) the Apartment Design Guide

# Design review panel

The proposal has been reviewed by a Design Review Panel in accordance with clause 28.

# Design quality principles

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 30(2)(a) of the Policy and are discussed below.

#### Schedule 1 Design quality principles

#### Principle 1: Context and neighbourhood character

The proposal is considered to be acceptable in regard to the desired future character of the area as it is consistent with the applicable planning controls applicable to the land and is not considered to result in unreasonable impacts on the locality or adjoining development. A contextual analysis has been provided which demonstrates that the building would be compatible in the existing streetscape

#### Principle 2: Built form and scale

The locality is one undergoing a transition towards high rise development. The proposal is consistent with the desired future character for the area reflected in the applicable planning controls.

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

# **Principle 3: Density**

The density of the development complies with the maximum FSR permitted for the land. The development is not of a scale that is expected to place unreasonable 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 employment, services and facilities.

#### Principle 4: Sustainability

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

- BASIX Certificates provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan has been provided indicating recycling of materials from the demolished dwellings.
- Louvres have been provided to the western elevation to shield from the units from harsh western sun.
- The proposal does not impact on any heritage items or environmentally sensitive areas
- The proposal is an efficient use of land in a location that is close to services and public open space.
- The proposal incorporates water capture and use
- The design of the tower has only 4 units per floor which achieves exceedance of the minimum amenity requirements of the ADG and DCP with respect to outlook, solar access and natural ventilation.
- Photovoltaics are to be incorporated onto the roof

# Principle 5: Landscape

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants and soften the appearance of the development from adjoining properties and the public domain. The proposal will additionally upgrade the footpath for the frontage of the development including provision of street trees.

# **Principle 6: Amenity**

The proposal meets the minimum requirements for solar access, private and communal open space, storage, visual and acoustic privacy, access and the like.

# Principle 7: Safety

The proposal is satisfactory with regard to the principles of Crime Prevention Through Environmental Design.

#### Principle 8: Housing diversity and social interaction

The proposal provides a mix of unit sizes and layouts appropriate to the locality including adaptable units and liveable units.

#### **Principle 9: Aesthetics**

The proposal is considered to be of a high quality with regard to its appearance. A mixture of materials and finishes is provided and the bulk of the development is suitably articulated.

#### Apartment Design Guide (ADG)

The development has been assessed against the provisions of the ADG and was found to be compliant.

A full assessment of the application against the ADG is contained at Attachment 3

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

# Subdivision 2 Development likely to affect an electricity transmission or distribution network

# 45 Determination of development applications—other development

The proposal was referred to Endeavour Energy in accordance with this clause and they have advised of their specific requirements.

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

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

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

# 2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

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

#### Part 2 Permitted or prohibited development

# <u>Clause 2.2 – zoning of land to which Plan applies</u>

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

# Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

# Part 4 Principal development standards

Clause 4.4A Floor space ratio—Wollongong city centre

Site area: 1,824.8m<sup>2</sup>

Gross floor area (commercial):1,086.6 (16.3%)

Gross floor area (residential): 5,564.4 (83.7%)

Gross floor area total: 6,651

Floor space ratio proposed: 3.64:1

Calculation of maximum FSR permitted:

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

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

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

where-

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

X = 1,824 - 800 / 1,200 = 0.853

(a) = (2 + 1.5 x 0.853) = 3.28

(b) = (3.5 + 2.5 x 0.853) = 5.63

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

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

where-

**NR** is the percentage of the floor space of the building used for purposes other than residential purposes. (16.3%)

**NRFSR** is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes. (5.63)

**R** is the percentage of the floor space of the building used for residential purposes. (83.7%)

*RFSR* is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes. (3.28)

(5.63 x 0.163) + (3.28 x 0.837):1 = 0.91769 + 2.74536 = 3.67:1

#### Part 7 Local provisions – general

#### Clause 7.1 Public utility infrastructure

Conditions of consent are recommended with regard to specific requirements of utility providers.

#### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being potentially affected by class 5 acid sulphate soils. The site involves works within 500 metres of adjacent Class 4 land however that land is not below 5 metres Australian Height Datum nor is it expected the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

#### Clause 7.6 Earthworks

The proposal comprises excavation for three levels of basement car parking. Subject to appropriate protection of adjoining property during construction, the earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

#### Clause 7.13 Certain land within business zones

The proposal provides an active use at ground floor level in accordance with this control.

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

The proposal is considered to be consistent with the provisions for design excellence as follows:

- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved

The Design Review Panel have reviewed the proposal and their recommendations have been incorporated into the current plans. The proposal is satisfactory with regard to the ADG and Council's specific development controls.

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

The proposed building form is compatible with the existing streetscape.

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

The proposal will not protrude above the escarpment when viewed from Flagstaff Hill. No specific views through the site are identified

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

The development would not overshadow any sun plane protection areas.

- (e) how the proposed development addresses the following matters:
  - (i) the suitability of the land for development,

The site is considered suitable for the development.

(ii) existing and proposed uses and use mix,

The proposal is considered to be consistent with the desired future character of the area reflected in the applicable planning controls.

(iii) heritage issues and streetscape constraints,

The are no particular constraints that would preclude the development.

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

The proposal has been designed with future development in mind with regard to setbacks and building separation.

(v) bulk, massing and modulation of buildings,

The bulk and mass of the building is considered acceptable.

(vi) street frontage heights,

The proposal has a suitable street frontage height.

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

The proposal meets BASIX targets.

Overshadowing impacts are considered acceptable.

A Environmental Wind Assessment indicates the proposal will satisfy the wind acceptability criteria at pedestrian and public access locations within and around the development.

The proposal is not expected to result in adverse reflectivity. Where there are large glazed areas, they are recessed behind balconies.

(viii) the achievement of the principles of ecologically sustainable development,

The proposal is broadly acceptable with regard to the principles of ecologically sustainable development. The proposal is an efficient use of land in an accessible location. The proposal will not directly impact on environmentally sensitive areas. The proposal is not considered have adverse impacts in terms of intergenerational equity in ways that can be attributed to the assessment of the proposal. The proposal satisfies the minimum energy and water efficiency requirements.

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

The proposal is satisfactory with regard to access, servicing and parking.

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

The proposal will upgrade the footpath for both street frontages.

# Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The proposal is satisfactory with regard to these objectives.

Clause 8.4 Minimum building street frontage

Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more. The site complies

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

The proposal is satisfactory with regard to this clause.

# 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

The proposal is considered to be acceptable with regard to the DCP. Variations that are requested and supported in this instance as detailed below with the remainder of the assessment against the DCP contained at Attachment 4.

#### CHAPTER A1 – INTRODUCTION

# 8 Variations to development controls in the DCP

Side setbacks

(a) The control being varied;

# Chapter D13, 2.5 Side and rear building setbacks and building separation

The following setbacks are required:

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

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

Setbacks to habitable rooms above the street frontage height and 45m are between 9m and 11.9m to the southern boundary

Above 45m (levels 13 and 14), the side setback is 11.9m.

Setbacks to the northern boundary are similar. The setbacks to the north are acceptable given the likely scale of achievable development on that land will be much smaller than the proposal and there is unlikely to be a direct interface above 4-5 stories. The development approvals on land to the south are largely oriented to the east and west and not towards the subject site.

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

The objectives of the control are as follows:

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

The units within the approved development to the south (DA-2018/973) are generally oriented to the east and west, rather than the north and do not rely upon the northerly aspect to achieve the minimum solar access requirements. View from the sun diagrams have been provided that indicate the minimum solar access requirements for that development will not be compromised.

Prior to DA-2019/873, DA-2016/1061 was approved on the land to the south of the site. That development comprises lower level commercial with hotel above up to level 6, with residential units from level 7 to 16. That development will also not be unreasonably overshadowed by the proposal.

The amenity of approved and likely potential development on land to the south is not considered to be adversely impacted by this variation.

The proposal is further considered satisfactory with regard to separation requirements under the ADG.

Setbacks to the northern boundary are considered acceptable given the likely future built form on that land will not exceed approximately 4 storeys.

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

As discussed above.

# 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

Contributions are payable for development exceeding \$100,000. The estimated cost of works is \$18,461,813 and a contribution is therefore required. A condition of consent regarding the levy is contained in Attachment 7.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

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

The proposal is satisfactory regarding the applicable planning controls as detailed in the body of this report.

Issues raised in submissions following notification are discussed in the body of this report and are not considered to warrant further changes to the proposal.

Internal and external referrals are satisfactory subject to appropriate conditions of consent

The proposal is considered acceptable with respect of the likely impacts.

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

# Does the proposal fit in the locality?

The proposal is of character and bulk and scale anticipated by the applicable planning controls and considered compatible with likely future development in the locality.

#### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Submissions received following public exhibition are discussed at section 1.5 of this report.

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

The proposal is satisfactory regarding the applicable planning controls as detailed in the body of this report. Impacts arising from the development are considered acceptable. Submissions have been assessed and in the context of the general compliance of the development are not considered to warrant further changes to the proposal. Internal and external referrals are satisfactory subject to appropriate conditions of consent

In consideration of the above, approval of the proposal is considered to be in the public interest.

# **3 CONCLUSION**

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009 and SEPP 65, ADG, Council DCPs, Codes and Policies. The design of the development is appropriate regarding the controls outlined in these instruments. The proposal involves variations to side setback requirements under WDCP2009. A variation request statement has been submitted and assessed as reasonable. The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are satisfactorily resolved. Internal referrals are satisfactory, and submissions have been considered in the assessment. It is considered that the proposed development has otherwise been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area

#### **4 RECOMMENDATION**

It is recommended that the development application be approved subject the draft conditions contained at Attachment 7.

# Attachments

- 1. Aerial photograph
- 2. Wollongong Local Environmental Plan 2009 zoning map
- 3. Apartment Design Guide Assessment
- 4. Wollongong DCP 2009 Assessment
- 5. Plans
- 6. Design Review Panel notes of 14 November 2019
- 7. Draft conditions of consent

# DA-2019/1122

# <u>Attachment 1 – Aerial photograph</u>



# DA-2019/1122

# Attachment 2 – WLEP 2009 zoning map



Attachment	3–	ADG	assessment	table
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# Apartment Design Guide

Control	Comment
3A Site analysis	
Objective 3A-1	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Suitable site and context analysis provided.
<u>3B Orientation</u>	
Objective 3B-1	
Building types and layouts respond to the streetscape and site while optimising solar access within the development	Satisfactory
Objective 3B-2	
Overshadowing of neighbouring properties is minimised during mid winter	The adjoining development will receive the minimum 2 hours sunlight.
3C Public domain interface	
Objective 3C-1	
Transition between private and public domain is achieved without compromising safety and security	Satisfactory
Objective 3C-2	
Amenity of the public domain is retained and enhanced	The public domain will be improved through upgrading of the footpath and provision of street trees as well as through appropriate activation and street frontage heights.
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	25% of the site area is provided as communal open space and greater than 50% of that area receives minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).
Objective 3D-2	
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Satisfactory
Objective 3D-3	
Communal open space is designed to maximise safety	Satisfactory
Objective 3D-4	
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	N/A

<u>3E Deep soil zones</u>	
Objective 3E-1	
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	No deep soil is provided as the proposal has a 100% site coverage.
<u>3F Visual privacy</u>	
Objective 3F-1	
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	Separation distances are acceptable
Objective 3F-2	
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Satisfactory.
3G Pedestrian access and entries	
Objective 3G-1	
Building entries and pedestrian access connects to and addresses the public domain	Satisfactory
Objective 3G-2	
Access, entries and pathways are accessible and easy to identify	Satisfactory
Objective 3G-3	
Large sites provide pedestrian links for access to streets and connection to destinations	The proposal provides a through link between Young and Belmore Street despite this not being a nominated requirement under Council controls.
<u>3H Vehicle access</u>	
Objective 3H-1	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Satisfactory
3J Bicycle and car parking	
Objective 3J-1	
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Compliant bicycle parking provided.
Objective 3J-2	
Parking and facilities are provided for other modes of transport	Complies
Objective 3J-3	
Car park design and access is safe and secure	Satisfactory

Objective 3J-4	
Visual and environmental impacts of underground car parking are minimised	Satisfactory
Objective 3J-5	
Visual and environmental impacts of on-grade car parking are minimised	N/A
Objective 3J-6	
Visual and environmental impacts of above ground enclosed car parking are minimised	N/A
Part 4 Designing the building	
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	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.
	No apartments receive no direct sunlight between 9 am and 3 pm at mid winter.
Objective 4A-2	
Daylight access is maximised where sunlight is limited	N/A
Objective 4A-3	
Design incorporates shading and glare control, particularly for warmer months	Yes.
4B Natural ventilation	
Objective 4B-1	
All habitable rooms are naturally ventilated	Yes. Inlet and outlet windows are of comparable size.
Objective 4B-2	
The layout and design of single aspect apartments maximises natural ventilation	Yes. Higher floor to ceiling – two storey units, open plan.
Objective 4B-3	
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	The development complies with the minimum 60% of units to be cross ventilated in the first 9 storeys.
4C Ceiling heights	
Objective 4C-1	
Ceiling height achieves sufficient natural ventilation and daylight access	Minimum 2.7m floor to ceiling provided.
Objective 4C-2	
Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Satisfactory

Objective 4C-3	
Ceiling heights contribute to the flexibility of building use over the life of the building	Satisfactory
4D Apartment size and layout	
Objective 4D-1	
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	Minimum room sizes and window areas are met. Kitchens are no part of main circulation space. Windows are visible from all habitable rooms.
Objective 4D-2	
Environmental performance of the apartment is maximised	Room depths do not exceed 2.5 x ceiling height. Maximum habitable room depth from windows does not exceed 8m.
Objective 4D-3	
Apartment layouts are designed to accommodate a variety of household activities and needs	Satisfactory.
4E Private open space and balconies	
Objective 4E-1	
Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Minimum balcony sizes and depths are met.
Objective 4E-2	
Primary private open space and balconies are appropriately located to enhance liveability for residents	Satisfactory
Objective 4E-3	
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Satisfactory
Objective 4E-4	
Private open space and balcony design maximises safety	Satisfactory
4F Common circulation and spaces	
Objective 4F-1	
Common circulation spaces achieve good amenity and properly service the number of	Maximum number of units off a core does not exceed 8.
apartments	Number of apartments sharing a single lift does not exceed 40.
Objective 4F-2	
Common circulation spaces promote safety and provide for social interaction between residents	Common circulation is legible and avoids tight corners or concealment opportunities.
4G Storage	
Objective 4G-1	
Adequate, well designed storage is provided in each apartment	Suitable storage is within the unit.

Objective 4G-2	
Additional storage is conveniently located, accessible and nominated for individual apartments	Conveniently located, designated storage is provided for each unit within the basement.
<u>4H Acoustic privacy</u>	
Objective 4H-1	
Noise transfer is minimised through the siting of buildings and building layout	Unit layout is appropriately designed.
Objective 4H-2	
Noise impacts are mitigated within apartments through layout and acoustic treatments	Satisfactory
4J Noise and pollution	
Objective 4J-1	
In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Satisfactory
Objective 4J-2	
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	A Road & Rail Noise Intrusion Assessment and BCA Acoustical Compliance Review have been submitted and compliance with the recommendations contained therein are reflected in the draft conditions of consent.
4K Apartment mix	
Objective 4K-1	
A range of apartment types and sizes is provided to cater for different household types now and into the future	A mix of unit sizes and configurations is provided.
Objective 4K-2	
The apartment mix is distributed to suitable locations within the building	Satisfactory
4L Ground floor apartments	
Objective 4L-1	
Street frontage activity is maximised where ground floor apartments are located	N/A
Objective 4L-2	
Design of ground floor apartments delivers amenity and safety for residents	N/A
4M Facades	
Objective 4M-1	
Building facades provide visual interest along the street while respecting the character of the local area	Satisfactory
Objective 4M-2	
Building functions are expressed by the façade	Building entry points are clearly defined.
	The apartment layout is reflected in the façade.

4N Roof design	
Objective 4N-1	
Roof treatments are integrated into the building design and positively respond to the street	Satisfactory
Objective 4N-2	
Opportunities to use roof space for residential accommodation and open space are maximised	A rooftop communal open space is provided.
Objective 4N-3	
Roof design incorporates sustainability features	Satisfactory.
40 Landscape design	
Objective 40-1	
Landscape design is viable and sustainable	Suitable landscaped areas are incorporated into the podium and rooftop. These have been reviewed by Council's Landscape Officer who has recommended conditions of consent.
Objective 40-2	
Landscape design contributes to the streetscape and amenity	Satisfactory
4P Planting on structures	
Objective 4P-1	
Appropriate soil profiles are provided	Landscaped areas have been reviewed by Council's Landscape Officer who has recommended conditions of consent.
Objective 4P-2	
Plant growth is optimised with appropriate selection and maintenance	Landscaped areas have been reviewed by Council's Landscape Officer who has recommended conditions of consent.
Objective 4P-3	
Planting on structures contributes to the quality and amenity of communal and public open spaces	Yes.
<u>4Q Universal design</u>	
Objective 4Q-1	
Universal design features are included in apartment design to promote flexible housing for all community members	20% of the apartments incorporate the Livable Housing Guideline's silver level universal design features.
Objective 4Q-2	
A variety of apartments with adaptable designs are provided	A compliant number of adaptable units are provided which would not require substantial structural change to be converted. Adaptable parking spaces are also provided.
Objective 4Q-3	
Apartment layouts are flexible and accommodate a range of lifestyle needs	Satisfactory.

4R	Ada	ptive	reuse

#### Objective 4R-1

New additions to existing buildings are N/A contemporary and complementary and enhance an area's identity and sense of place

#### **Objective 4R-2**

Adapted buildings provide residential amenity N/A while no precluding future adaptive reuse

#### 4S Mixed use

#### **Objective 4S-1**

Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement

#### **Objective 4S-2**

Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents The design provides commercial tenancies at ground level and active frontages.

- residential entries are separated from commercial entries and directly accessible from the street
- commercial service areas are separated from residential components
- residential car parking and communal facilities are separated or secured
- security at entries and safe pedestrian routes are provided
- concealment opportunities are avoided
- Landscape communal open space is provided on the podium.

#### 4T Awnings and signage

Objective 4T-1

Awnings are well located and complement and integrate with the building design	Suitable awnings are provided to both frontages.
Objective 4T-2	
Signage responds to the context and desired streetscape character	N/A
<u>4U Energy efficiency</u>	
Objective 4U-1	
Development incorporates passive	Compliant solar access is provided .
environmental design	Suitable locations provided for clothes drying.
Objective 4U-2	
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	Satisfactory.
Objective 4U-3	
Adequate natural ventilation minimises the need for mechanical ventilation	The proposal complies with the minimum requirements for natural ventilation.

4V Water management and conservation	
Objective 4V-1	
Potable water use is minimised	BASIX targets are met.
	Rainwater is captured for use in landscaped areas.
	• Suitable plant species are to be used in landscaped areas.
Objective 4V-2	
Urban stormwater is treated on site before being discharged to receiving waters	Stormwater from the development is directed to an OSD system that incorporates filtration prior to discharge to the stormwater system.
Objective 4V-3	
Flood management systems are integrated into site design	N/A
4W Waste management	
Objective 4W-1	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Suitable waste storage and servicing facilities are provided.
Objective 4W-2	
Domestic waste is minimised by providing safe and convenient source separation and recycling	Satisfactory.
4X Building maintenance	
Objective 4X-1	
Building design detail provides protection from weathering	Satisfactory
Objective 4X-2	
Systems and access enable ease of maintenance	Satisfactory
Objective 4X-3	
Material selection reduces ongoing maintenance costs	Satisfactory

# Attachment 4: 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

#### 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.

#### 9 General design requirements for retail and business premises developments

#### 9.2 Development Controls

#### 9.2.1 Floor Configuration

- An even transition is provided between the building and the footpath.
- Light wells are provided for the commercial units on the ground floor to ensure the floor is no greater than 20m from source of natural light.
- Floor to ceiling height of the commercial tenancies on ground floor is greater than 3.3m.

#### 9.2.2 Building Appearance

- The building is considered to be designed to provide character, visual legibility and human scale and to delineate the distinct uses.
- The façade is suitable broken into a base, middle and top
- Curtain wall glazing is not proposed
- Reflectivity from the proposal is not expected to be significant.

#### 9.2.3 Building Alignment

The building is suitable aligned with the property boundary and footpath.

#### 9.2.4 Active Street Frontages

Active uses are provided for both frontages at ground level with clear glazing addressing the street.

#### 9.2.5 Urban Design / Streetscape Appearance

- Appropriate horizontal and vertical emphasis is provided to the building.
- High quality, durable finishes are proposed.
- An schedule of materials and finishes has been provided.

#### 9.2.6 Pedestrian Access

The site is not identified as being one where a through site link is required. Pedestrian access is nonetheless provided through the commercial lobby linking Belmore and Young Street.

Direct pedestrian access and visual inspection is provided to both frontages of the development.

#### 9.2.7 Awnings

Suitable awnings are provided to both frontages.

#### 9.2.8 Public Domain - Footpath Paving

New footpath and street tree planting is proposed to both frontages.

#### 9.2.9 Solar access and overshadowing

Shadow diagrams and view from the sun diagrams are provided indicating solar access to the approved development to the south of the site will not be compromised.

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

Showers are provided within the basement adjacent to the bicycle storage area.

9.2.11 Advertising Signage

N/A

9.2.12 Wind Impact Assessment

No change in bulk or scale of building.

9.2.13 Access, Car parking and Servicing

See Chapter E3

9.2.14 Access for People with a Disability

See Chapter E1

9.2.15 Land Consolidation

The proposal is situated over three adjoining lots and it is a condition of consent that these be consolidated.

# 13 Works in the public domain

Upgrade of the footpath for the two frontages is proposed.

# CHAPTER D13 – WOLLONGONG CITY CENTRE

#### 2 Building form

Objectives/controls			Comment
2.2 Building to street alignment and street setbacks			
Build to street alignment			Complies
2.3 Street frontage heights in comm	nercial cor	<u>e</u>	
12-24m street frontage height with 4m minimum setback above.			The proposal is marginally below the minimum recommended street frontage of 12m at the southern boundary (~11.5m). This is considered to be a minor departure that facilitates a better scale to the podium due to the slope of the land.
2.4 Building depth and bulk			
Maximum 18m depth.			Complies
2.5 Side and rear building se separation	etbacks a	and building	
	side setback	rear setback	Variation sought - see Chapter A1 above.
Up to street frontage heights	0m	0m	
Residential uses (habitable rooms) between street frontage height and 45m	12m	12m	
All uses (including non-habitable residential) between street frontage height and 45m	6m	6m	
All uses above 45m	14m	14m	
2.6 Mixed used buildings			
a) Provide flexible building layout tenancies or uses on the first tabove the ground floor.	ts which a two floors	allow variable of a building	Complies

# Objectives/controls

b)	Minimum floor to ceiling heights are 3.3 metres for commercial office and 3.6 metres for active public uses, such as retail and restaurants in the B3 Commercial Core zone. In the B4 Mixed Use zone, the ground floor and first levels of a building shall incorporate a minimum 3 metre floor to ceiling height clearance, to maximise the flexibility in the future use of the building.	
c)	Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.	
d)	Locate clearly demarcated residential entries directly from the public street.	
e)	Clearly separate and distinguish commercial and residential entries and vertical circulation.	
f)	Provide security access controls to all entrances into private areas, including car parks and internal courtyards.	
g)	Provide safe pedestrian routes through the site, where required.	
h)	Front buildings onto major streets with active uses.	
i)	Avoid the use of blank building walls at the ground level.	
j)	For mixed use buildings that include food and drink premises uses, the location of kitchen ventilation systems shall be indicated on plans and situated to avoid amenity impacts to residents.	
<u>2.7  </u>	Deep soil zone	
For residential components in mixed use developments in the Commercial Core, Mixed Use (city edge) and Enterprise zones, the amount of deep soil zone may be reduced commensurate with the extent of non-residential uses. Where non-residential components result in full site resurrance and there is no comparity for water infiltration, the		The site is within the city centre with a full site coverage building footprint.
		Landscaped areas are therefore provided on the podium and roof communal open space.
deel	o soil component must be provided on structure	These areas have been reviewed by Council's Landscape officer who has given a satisfactory referral subject to conditions of consent.
<u>2.8  </u>	Landscape design	
•	Chapter E6 – Landscaping and Public Domain Technical Manual to be considered.	Satisfactory
•	Landscape management plan required.	
<u>2.9 (</u>	Green roofs, green walls and planting on structures	
Vari	ous controls.	Council's Landscape officer has reviewed the landscaped areas proposal and has given a satisfactory referral subject to conditions of consent.
<u>2.10</u>	Sun access planes	
N/A		

Comment

2.11 Development on classified roads

N/A

3	Ped	estr	ian	amen	ity
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Obj	ectives/controls	Comment
3.2	Permeability	
N/A		
<u>3.3</u>	Active street frontages	
a)	In commercial and mixed use development, active street fronts are encouraged in the form of nonresidential uses on ground level.	Active frontages are provided to both frontages with level transition from the footpath.
b)	Active street fronts in the form of non-residential uses on ground level are required along streets, lanes and through site links shown in Figure 3.4 for all buildings in the Commercial Core and Tourist zones, and for mixed use buildings in the Mixed Use (city edge) and Enterprise zones.	
c)	Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	
d)	For all non-residential ground floor frontages outside the streets shown in Figure 3.4, provide clear glazing where ever possible to promote passive surveillance and contribute to street activity.	
e)	Restaurants, cafes and the like are to consider providing openable shop fronts.	
f)	Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	
g)	Provide multiple entrances for large developments including an entrance on each street frontage.	
<u>3.4</u>	Safety and security	
a)	Ensure that the building design allows for casual surveillance of accessways, entries and driveways.	Satisfactory
b)	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks.	
c)	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	
d)	Where private open space is located within the front building alignment any front fencing must be of a design and/or height which allows for passive surveillance of the street.	
e)	Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance.	

f)	Provide clear lines of sight and well-lit routes throughout the development.	
g)	Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway.	
h)	For large scale retail and commercial development with a GFA of over 5,000m <sup>2</sup> , provide a 'safety by design' assessment in accordance with the CPTED principles.	
i)	Provide security access controls where appropriate.	
j)	Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone, Mixed Use (city edge) and Enterprise Corridor zones.	
<u>3.5</u>	Awnings	
a)	Continuous street frontage awnings are to be provided for all new developments as indicated in Figure 3.6.	Complies
b)	Awning design must match building facades and be complementary to those of adjoining buildings.	
c)	Wrap awnings around corners for a minimum six metres from where a building is sited on a street corner.	
d)	Awnings dimensions should generally be:	
i)	Minimum soffit height of 3.3 metres,	
ii)	Low profile, with slim vertical facias or eaves (generally not to exceed 300mm height),	
iii)	Setback a minimum of 1.2 metres from the kerb, and	
iv)	Generally minimum 2.4 metres deep.	
e)	To control sun access/protection, canvas blinds along the street edge may be permitted, subject to design merit and assessment.	
f)	Signage on blinds is not permitted.	
g)	Provide under awning lighting to facilitate night use and to improve public safety	
<u>3.6 '</u>	Vehicular footpath crossings	
One fron	vehicle access point generally not from primary tage.	Complies
Max	imum 5.4m crossover width.	Complies
Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade.		Complies
Veh and duct	icle entries are to have high quality finishes to walls ceilings as well as high standard detailing. No service is or pipes are to be visible from the street.	Complies

Objectives/controls	Comment
3.7 Pedestrian overpasses, underpasses and	
<u>encroachments</u> N/A	
3.8 Building exteriors	
<ul> <li>a) Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:</li> </ul>	Adjoining buildings are not of heritage significance and likely to be redeveloped
i) Appropriate alignment and street frontage heights.	in the short to medium term. The proposal
ii) Setbacks above street frontage heights.	future character of the area.
iii) Appropriate materials and finishes selection.	
iv) Façade proportions including horizontal or vertical emphasis.	
v) The provision of enclosed corners at street intersections.	
b) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.	Complies
c) Articulate facades so that they address the street and add visual interest.	Complies
d) External walls should be constructed of high quality and durable materials and finishes with 'selfcleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.	complies
e) Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.	Complies
f) To assist articulation and visual interest, avoid expanses of any single material.	Complies
g) Limit opaque or blank walls for ground floor uses to 30% of the street frontage.	Complies
<ul> <li>h) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</li> </ul>	Complies
i) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (see Section 5.3).	Complies
j) A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.	Complies
k) Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as:	Complies
i) Expressed cornice lines that assist in enhancing the streetscape,	
ii) Projections such as entry canopies that add visual interest and amenity, and	

Objectives/controls	Comment
iii) Provided that the projections do not detract from significant views and vistas (see Figure 3.12).	
I) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	
3.9 Advertising and signage	
N/A	
3.10 Views and view corridors	
a) Existing views shown in Figure 3.12 are to be protected to the extent that is practical in the planning and design of development.	Satisfactory
b) The redevelopment of sites with potential to open a blocked view shown in Figure 3.12 must take into account the restoration of that view.	
c) Align buildings to maximise view corridors between buildings.	
d) Remove or avoid installation of built elements that obstruct significant views.	
e) Carefully consider tree selection to provide views along streets in Figure 3.12 and keep under storey planting low where possible.	
f) Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.	
4 Access, parking and servicing	·
Objectives/controls	Commont

Objectives/controls	Comment
4.2 Pedestrian access and mobility	
a) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Satisfactory
b) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, AS 2890 Pt 1, or as amended) and the Disability Discrimination Act 1992 (as amended).	
c) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	
d) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	
e) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours in accordance with Council's Public Domain Technical Manual.	
f) Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS	

Objectives/controls

1428.1:2001, AS/NZS 2890.1:2004 and the Disability Discrimination Act.	
4.3 Vehicular driveways and manoeuvring areas	
a) Driveways should be:	Satisfactory.
i) Provided from lanes and secondary streets rather than the primary street, wherever practical.	
ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.	
iii) Located a minimum of 6 metres from the perpendicular of any intersection of any two roads.	
iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.	
b) Vehicle access is to be designed to:	
i) Minimise the impact on the street, site layout and the building façade design; and	
ii) If located off a primary street frontage, integrated into the building design.	
c) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	
d) Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a s138 Roads Act approval.	
e) Driveway widths must comply with the relevant Australian Standards.	
f) Car space dimensions must comply with the relevant Australian Standards.	
g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2990.1).	
h) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths and design must be in accordance with AS 2890.1.	
i) Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.	
j) For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.	
4.4 On-site parking	
General (all development)	
a) On-site parking must meet the relevant Australian Standard (AS2890.1 2004 – Parking facilities, or as amended).	

Objectives/controls

b) Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.	
c) Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.	
d) Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.	
e) On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.	
f) To accommodate people with disabilities, provide a minimum of 1% of the required parking spaces, or minimum of 1 space per development, (whichever is the greater) as an appropriately designated and signed disabled parking space.	
Residential flat buildings	
a) On-site parking is to be accommodated underground, or otherwise integrated into the design of the building.	Complies
Commercial developments and mixed use developments in all other zones	Complies
a) The impact of any on-grade car parking must be minimised by:	
i) Locating parking on the side or rear of the lot away from the street frontage;	
ii) Provision of fencing or landscape to screen the view of cars from adjacent streets and buildings;	
iii) Allowing for safe and direct access to building entry points; or	
iv) Incorporating car parking into landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas).	
b) Natural ventilation should be provided to underground parking areas where possible, with ventilation grilles and structures;	
i) integrated into the overall façade and landscape design of the development,	
ii) not located on the primary street façade, and	
iii) oriented away from windows of habitable rooms and private opens space areas.	
4.5 Site facilities and services	
Mail boxes	
a) Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.	Satisfactory
Objectives/controls	Comment
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b) They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.	
c) Letterboxes shall be secure and large enough to accommodate articles such as newspapers.	
Communication structures, air conditioners and service vents	Satisfactory
a) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:	
i) Away from the street frontage,	
ii) Integrated into the roof scape design and in a position where such facilities will not become a skyline feature at the top of any building, and	
iii) Adequately setback from the perimeter wall or roof edge of buildings.	
b) A master antennae must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.	
Waste (garbage) storage and collection	
General (all development)	
a) All development is to adequately accommodate waste handing and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste policies and advice from relevant waste handling contractors.	Satisfactory
b) Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways.	
c) Waste storage areas are to be designed to:	
i) Ensure adequate driveway access and manoeuvrability for any required service vehicles,	
ii) Located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and	
iii) Screened from the public way and adjacent development that may overlook the area.	
d) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts.	

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

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

## 5 Environmental management

Objectives/controls	Comment
5.2 Energy efficiency and conservation	
Residential: Comply with BASIX	Complies
Non-residential:	
a) Improve the control of mechanical space heating and cooling by:	Satisfactory. The commercial component is not of a scale to require a energy
i) Designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.	efficiency report.
b) Improve the efficiency of hot water systems by:	
i) Insulating hot water systems, and	
ii) Installing water saving devices, such as flow regulators, 3.5 stars rated shower heads, dual flush toilets and tap aerators.	
c) Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular 'off peak' time, not the whole building.	
An energy efficiency report from a suitably qualified consultant is to accompany any development application for non-residential development with a construction cost of \$1million or greater. This report must demonstrate commitment to achieving a minimum of 4 stars Green Star rating (design and as built tool) or 4 stars NABERS rating (energy tool) for the development).	

Objectives/c	controls
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Comment

5.3 Water conservation	
Residential: Comply with BASIX	
Non-residential:	
a) The following water saving measures are to be incorporated into non-residential building. Water fixtures (shower heads, taps, toilets, urinals etc) are to be 3.5 stars or better rated.	Conditions of consent
i) Appliances (dishwashers, clothes washers etc) are to be 3.5 stars or better rated with respect to water use efficiency. Demonstrate, if necessary, how these requirements will be achieved for replacement appliances, appliances not installed at construction or bought in by occupants following construction,	
ii) Stormwater runoff control, capture and reuse, including water quality management in accordance with Council's guidelines,	
iii) Select water efficient plants and/or, indigenous vegetation for landscape in accordance with Council's recommendations,	
iv) Use non-potable water for watering gardens and landscape features, and	
v) Operating details for swimming pools and water features including filling, draining and maintenance activities. Covers are to be included in the design and operational aspects of swimming pool installations.	
5.4 Reflectivity	
a) New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Satisfactory
b) Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%.	
c) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	
5.5 Wind mitigation	
A Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height.	Provided.
5.6 Waste and recycling	
a) Development applications for all non-residential development must be accompanied by a waste management plan that addresses:	An Operational Waste Management Plan has been provided.
i) Best practice recycling and reuse of construction and demolition materials,	
ii) Use of sustainable building materials that can be reused or recycled at the end of their life,	
iii) Handling methods and location of waste storage areas in accordance with the provisions of Section 4.4.3 of this DCP, such that handling and storage has no negative	

Objectives/controls		Comment	
impact on the streetscape, bu amenity of occupants and pedestr	mpact on the streetscape, building presentation or amenity of occupants and pedestrians, and		
<ul> <li>iv) Procedures for the on-going su of green and putrescible waste, ga and paper, including estimated capacity and on-site storage requi</li> </ul>			
Residential development			
Provision must be made for generation:	the following waste	Satisfactory	
<ul> <li>a) In developments not exceeding waste storage facilities may be pe</li> </ul>	six dwellings, individual rmitted.		
b) In development of more than s where the topography or distance point makes access difficult for collection and storage area is req must be located in a position which			
i) Not visible from the street,			
ii) Easily accessible to dwelling oc	cupants,		
<li>iii) Accessible by collection ve managed by the body corporate to to the approved collection point),</li>	ehicles (or adequately permit relocation of bins		
iv) Has water and drainage fac maintenance, and	ilities for cleaning and		
<ul> <li>v) Does not immediately adjoir windows or clothes drying areas.</li> </ul>			
c) Subject to Council collection postorage areas must be sized to ended and the number of individual bins require sufficient larger bins			
Residential Flats	Multi Unit Housing		
Waste			
80 litres per week/flat	120 litres per week/dwelli		
Recycling			
80 litres per week/flat	120 litres per week/dwelli		
Green waste			
A communal waste bin of sufficient capacity to accept waste from any landscaped areas	120 litres per fortnight/dw		
6 Residential development stand	lards		
Objectives/controls		Comment	
6.2 Housing choice and mix			
10% studio/one bedroom 10% three or more bedrooms		Complies	
10% adaptable	Complies		

Objectives/controls

Comment

The Development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	Complies
6.3 Dwelling houses	
N/A	
6.4 Multi dwelling housing	
N/A	
6.5 Dual occupancy	
N/A	
6.6 Basement Carparks	
Integrate the siting, scale and design of basement parking into the site and building design.	Complies
6.7 Communal open space	
5m <sup>2</sup> per dwelling communal open space	Complies (58 x 5 = 290m <sup>2</sup> )
	105 + 105 + 160 = ~370m <sup>2</sup>
must be easily accessible and within a reasonable distance from apartments, be integrated with site landscaping, allow for casual social interaction and be capable of accommodating recreational activities.	Complies
must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21	Complies
6.8 Private open space	
i) Avoid locating the primary balconies where they address side setbacks.	Complies
ii) The balcony must have a minimum area of 12m2 open space a minimum depth of 2.4 metres.	
iii) The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.	
iv) Balconies must be designed and positioned to ensure sufficient light can penetrate into the building at lower levels.	
v) Individual balcony enclosures are not supported. Balcony enclosures must form part of an overall building façade design treatment and should not compromise the functionality of a balcony as a private open space area.	
6.9 Overshadowing	
a) The design of the development must have regard to the existing and proposed level of sunlight which is received by living areas and private open space areas of adjacent dwellings. Sensitive design must aim to retain the maximum amount of sunlight for adjacent residents. Council will place greatest emphasis on the retention of sunlight within the lower density residential areas.	Shadow diagrams and view from sun diagrams have been provided illustrating the impacts to the adjoining development. Solar

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b) Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.	
c) In determining access to sunlight, overshadowing by fences, roof overhangs and changes in level must be taken into consideration. Overshadowing by vegetation should also be considered, where dense vegetation appears as a solid fence. Refer to Land and Environment Court Planning Principles – Parsonage vs Ku-Rin-Gai Council (2004).	
d) In areas undergoing change, the impact of overshadowing on development likely to be built on adjoining sites must be considered, in addition to the impacts on existing development.	
6.10 Solar access	
a) Residential apartment buildings must aim to maximise their level of northern exposure to optimise the number of dwellings having a northern aspect. Where a northern aspect is available, the living spaces and balconies of such apartments must typically be orientated towards the north.	Satisfactory
b) The development must maximise the number of apartments with a dual orientation. Single aspect, single storey apartments should preferably have a northerly or easterly aspect and a reduced depth to allow for access of natural light to all habitable spaces.	
c) Shading devices should be utilised where necessary, particularly where windows of habitable rooms are located on the western elevation.	
d) The living rooms and private open space of at least 70% of apartments should receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm.	
e) The number of single aspect apartments with a southerly aspect (south-westerly to south-easterly) is limited to a maximum of 10% of the total number of apartments proposed.	
f) Provide vertical shading to eastern and western windows. Shading can take the form of eaves, awnings, colonnades, balconies, pergolas, external louvres and planting.	
6.11 Natural ventilation	
10-18m building depth maximum	Complies
Minimum of (60%) of all residential apartments shall be naturally cross ventilated.	Complies
Twenty five percent (25%) of kitchens within a development must have access to natural ventilation. Where kitchens do not have direct access to a window, the back of the kitchen must be no more than 8m from a window.	Complies
Single aspect apartments must be limited in depth to 8m from a window.	Complies
6.12 Visual privacy	
1. New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements.	
2. The internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms	

Objectives/controls	Com
and private balcony / open space courtyards, wherever possible by separating communal open space and public domain areas from windows of rooms, particularly sleeping room and living room areas.	
3. Buildings are to be designed to increase privacy without compromising access to sunlight and natural ventilation through the following measures:	
(a) Off-setting of windows in new buildings from windows in existing adjoining building(s).	
(b) Recessed balconies and / or vertical fin elements between adjoining balconies to improve visual privacy.	
(c) Provision of solid, semi-solid or dark tinted glazed balustrading to balconies.	
(d) Provision of louvers or screen panels to windows and / or balconies.	
(e) Provision of perimeter landscaped screen / deep soil planting.	
(f) Incorporating planter boxes onto apartment balconies to improve visual separation between apartments within the development and adjoining buildings.	
(g) Provision of pergolas or shading devices to limit overlooking of lower apartments or private open space courtyards / balconies.	
6.13 Acoustic Privacy	
1. Residential apartments should be arranged in a mixed use building, to minimise noise transition between apartments by:	
(a) Locating busy, noisy areas next to each other and quieter areas, next to other quieter areas (eg living rooms with living rooms and bedrooms with bedrooms);	
(b) Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; and	
(c) Minimising the amount of party (shared) walls with other apartments.	
2. All residential apartments within a mixed use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).	
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3. Noise transmission from common corridors or outside the building is to be minimised by providing seals at entry doors.

Field Sound Transmission Class to comply

## **Objectives/controls**

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### Comment

6.14 Storage			
Dwelling	Storage	Storage	Satisfactory storage areas are
	Area	Volume	basement.
One bedroom apartments	3m <sup>2</sup>	3m <sup>3</sup>	
Two bedroom apartments	4m <sup>2</sup>	8m <sup>3</sup>	
Three or more bedroom apartments	5m <sup>2</sup>	10m <sup>3</sup>	

7 Planning controls for special areas

The site is not located within a special area.

## 8 Works in the public domain

New footpath and street trees are to be provided in accordance with Council policy.

## CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Level access into and within the development is provided.

Accessible car parking and adaptable units are provided in accordance with Council requirements.

The development will be required to comply with the Access to Premises Standard.

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

The proposal is considered to be satisfactory with regard to the Principles of Crime Prevention Through Environmental Design.

There are not considered to be undesirable concealment or entrapment opportunities.

Access to residential car park area is secure.

Commercial and residential lobby areas and lifts are separated.

Passive surveillance of the street is provided.

Hallways do not have blind corners.

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

### 6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was submitted with the proposal.

The traffic impact assessment has been reviewed by Council's Traffic Officer who has not raised any concerns subject to conditions of consent.

### 6.2 Preliminary Construction Traffic Management Plan

Conditions of consent are recommended with regards to traffic management during construction.

### 7 Parking demand and servicing requirements

Component	Rate	Required	Proposed
Car parking			
Commercial	1/60m²	~1140 / 60 = 19	19
Residential	RMS Guide		
	1 bed: 0.6	6 x 0.6 = 3.6	
	2 bed: 0.9	40 x 0.9 = 36	

	3 bed: 1.4	12 x 1.4 = 16.8	
		Total: 58	58
Visitor		60 x 0.2 = 12	12
Total car parking:		89	89
Motorcycle			
Residential	1 / 15 units	60 / 15 = 4	4
Commercial	1 / 25 cars	19 / 25 = 1	1
Bicycle parking			
Residential	1 / 3 units	60 / 3 = 20	21
Visitor	1 / 12 units	60 / 12 = 5	5
Commercial	1 / 200m²	6	7
Commercial visitor	1 / 750m²	2	2

## 8 Vehicular access

Driveway grades and sight distances comply.

## 9 Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2.

Waste servicing will occur on-site.

### **10 Pedestrian access**

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

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

The proposal is satisfactory with regard to the principles of CPTED.

## **CHAPTER E6: LANDSCAPING**

The landscaped areas are consistent with the requirements of this chapter.

### **CHAPTER E7: WASTE MANAGEMENT**

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

The proposal involves demolition of all existing structures and a demolition plan and Hazardous Materials Survey have been provided.

The proposal provides separate commercial and residential waste storage rooms and on-site servicing arrangements.

## CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

### CHAPTER E14 STORMWATER MANAGEMENT

Stormwater management and disposal is in accordance with this chapter.

## CHAPTER E15 WATER SENSITIVE URBAN DESIGN

The proposal incorporates an OSD system which will filter stormwater to suitably levels prior to discharge to the stormwater network.

## CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposed earthworks are satisfactory with regard to this chapter.

## CHAPTER E20 CONTAMINATED LAND MANAGEMENT

The proposal has been supported by a Detailed Site Investigation prepared by a suitably qualified consultant has been submitted. That report found that soil and groundwater were considered of suitable quality for the proposed use and that data gaps could be addressed following demolition and during the development phase. The recommendations of that report have been reviewed by Council's Environment Officer and conditions of consent are recommended.

## CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions of consent are recommended with respect to demolition.

## CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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







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### DISCLAIMER

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

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REF.	DATE	AMENDMENT	Leg	end:										Wollongong	Svdnev		_	CLIENT:	TQM
L L	19.12.2019	ADDITIONAL INFORMATION	RB01	RENDERED BRICKWORK	s	STONEWORK	SLW	SLIDING WINDOW	Р	POST				81a Princes Highway					MIXED US
			RB02 I FB01 I	RENDERED BRICKWORK	R DP	ROOF DOWNPIPES	FW	FIXED WINDOW OBSCURE WINDOW	T CT	TIMBER FLOORS CERAMIC TILES				Fairy Meadow NSW 2519	Olympus Boulevard				
			FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CP	T CARPET				Tel: (02) 4227 1661	Wolli Creek NSW 2205			ADDRESS:	20-26 YO
			BL I	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE						1 7			
DISCLA			CL01 (	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING				Email: Info@designworkshop.com.au	Nominated Architect:	$\backslash$			
All dimensio	ons are in millimeters. Verify all di	mensions on site prior to commencement of	CL02 (	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES			DESI	IGN WORKSH		Web: www.designworkshop.com.au	Robert Gizzi (Reg. 8286)				
any work. C	Copyright of DWA.		RW I	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK			DLSI			n est minaceigniterieriepieennau	· · · · · · · · · · · · · · · · · · ·	$\rightarrow$	-	DRAWING NAME:	BASEME



	DATE: FEB 2018		PROJECT No.		
		AK	PN1670		
20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.	
BASEMENT 3 FLOOR PLAN	QA:	RG	30	L	



C 63



## DISCLAIMER

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

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REF.	DATE 19.12.2019	AMENDMENT ADDITIONAL INFORMATION	Legend: RB01 RENDERED BRICKWORK RB02 RENDERED BRICKWORK FB01 FACE BRICKWORK FB02 FACE BRICKWORK BL BLICCKWORK	S STONEWORK R ROOF DP DOWNPIPES TB TIMBER BATTENS D DOOR	SLW SLIDING WINDOW FW FIXED WINDOW OB OBSCURE WINDOW AW AWNING WINDOW SK SKYLIGHT	P POST T TIMBER FLOORS CT CERAMIC TILES CPT CARPET PC POLISHED CONCRETE	DWA	Wollongong 81a Princes Highway, Fairy Meadow NSW 2519 Tel: (02) 4227 1661	Sydney Level 10, 6 Mount Olympus Boulevard, Wolli Creek NSW 2205	CLIENT: ADDRESS:	TQM MIXED U 20-26 YC
DISCLAIM All dimensions a any work. Copyr	ER are in millimeters. Verify all o right of DWA.	imensions on site prior to commencement of	CL01 CLADDING CL02 CLADDING RW RETAINING WALL	GD GARAGE DOOR SLD SLIDING DOOR BFD BI-FOLD DOOR	WH WINDOW HOOD LV LOUVRES RWT RAINWATER TANK	SP FEATURE SCREENING	DESIGN WORKSHOP AUSTRALIA	Email: info@designworkshop.com.au Web: www.designworkshop.com.au	Nominated Architect: Robert Gizzi (Reg. 8286)	DRAWING NAME:	BASEME

	DATE: FEB 2018		PROJECT No.		
		AK	PN1670		
20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.	
BASEMENT 2 FLOOR PLAN	QA:	RG	31	L	



Email: info@designworkshop.com.au

Web: www.designworkshop.com.au

DESIGN WORKSHOP AUSTRALIA

Nominated Architect:

Robert Gizzi (Reg. 8286)

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limeters. Verify all dimensions on site prior to commencement of

CLIENT:		DATE:	FEB 2018	PROJECT N	0.
1000500		DRAWN	AK	PN1670	
ADDRESS:	20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.
DRAWING NAME:	BASEMENT 1 FLOOR PLAN	QA:	RG	32	L



	DATE:	FEB 2018	PROJECT No.		
	DRAWN	: AK	PN1670		
UNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.	
FLOOR PLAN	QA:	RG	33	L	



DESIGN WORKSHOP AUSTRALIA

Nominated Architect:

Robert Gizzi (Reg. 8286)

Web: www.designworkshop.com.au

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CLIENT:		DATE:	FEB 2018	PROJECT No.	
		DRAWN	AK	PN1670	)
ADDRESS:	20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.
DRAWING NAME:	LEVEL 1 FLOOR PLAN	QA:	RG	34	L

YOUNG STREET



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ADDRESS: 20-26 YO

DRAWING NAME: LEVEL 2

	DATE:	FEB 2018	PROJECT N	0.	
SE DEVELOPMENT	DRAWN	: AK	PN1670		
UNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.	
FLOOR PLAN	QA:	RG	35	L	



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CLIENT:	ENT: TQM MIXED USE DEVELOPMENT		FEB 2018	PROJECT No.	
			AK	PN1670	
ADDRESS:	20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.
DRAWING NAME:	LEVEL 3 FLOOR PLAN	QA:	RG	36	Μ



DRAWING NAME: LEVEL 4 FLOOR PLAN (TYPICAL)



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SE DEVELOPMENT JUNG STREET, WOLLONGONG	DATE:	FEB 2018	PROJECT No	<b>)</b> .
	DRAWN	: AK	PN1670	
OUNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.
3 FLOOR PLAN	QA:	RG	38	Ν
				A3



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CLIENT:			FEB 2018	PROJECT No.	
ADDRESS:	20-26 YOUNG STREET, WOLLONGONG	DRAWN	: AK	PN1670	
		SCALE:	1 : 200	DWG No.	Rev.
DRAWING NAME:	LEVEL 14 FLOOR PLAN	QA:	RG	39	Ν
					A3



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DRAWING NAME: ROOF PL

	DATE:	FEB 2018	PROJECT N	0.
	DRAWN	AK	PN1670	2
UNG STREET, WOLLONGONG	SCALE:	1 : 200	DWG No.	Rev.
AN	QA:	RG	40	L
				4.0



DISCLAIMER

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

RL 15.200 GROUND FLOOR

RL 10.700 BASEMENT 1

All parking	and ramps to traffic	engineers details.						-			
REF.	DATE		Legend:					Wollongong	Sydney	CLIENT:	TQM
	19.12.2019	ADDITIONAL INFORMATION	RB01 RENDERED BRICKWORK RB02 RENDERED BRICKWORK	S STONEWORK R ROOF	SLW SLIDING WINDOW FW FIXED WINDOW	P POST T TIMBER FLOORS		81a Princes Highway,	Level 10, 6 Mount		MIXED US
			FB01 FACE BRICKWORK FB02 FACE BRICKWORK	DP DOWNPIPES TB TIMBER BATTENS	OB OBSCURE WINDOW AW AWNING WINDOW	CT CERAMIC TILES CPT CARPET		Fairy Meadow NSW 2519 Tel: (02) 4227 1661	Olympus Boulevard, Wolli Creek NSW 2205	ADDRESS:	20-26 YOU
DISCLAI	MER	monoione on elle prior to commonocoment of	CL01 CLADDING CL02 CLADDING	GD GARAGE DOOR SLD SLIDING DOOR	WH WINDOW HOOD	SP FEATURE SCREENING		Email: info@designworkshop.com.au	Nominated Architect:		
any work. Cop	wright of DWA.	mensions on site prior to commencement or	RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK		DESIGN WORKSHOP AUSTRALIA	web. www.designworkshop.com.au	Robert Gizzi (Reg. 8286)	DRAWING NAME:	EAST ELE

EAST ELEVATION

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Scale 1 : 300

PC01

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LEGEND:



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	DATE:	FEB 2018	PROJECT N	0.
D USE DEVELOPMENT	DRAWN	: AK	PN1670	)
6 YOUNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
T ELEVATION	QA:	RG	54	L
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81a Princes Highway, Fairy Meadow NSW 2519 Level 10, 6 Mount Olympus Boulevard, Tel: (02) 4227 1661 Wolli Creek NSW 2205 Email: info@designworkshop.com.au Nominated Architect Web: www.designworkshop.com.au Robert Gizzi (Reg. 8286)

ADD	11	
CLIENT:	TQM MIXEI	D



CLIENT:		DATE:	FEB 2018	PROJECT N	D.
	MIXED USE DEVELOPMENT	DRAWN	: AK	PN1670	)
ADDRESS:	20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
DRAWING NAME:	WEST ELEVATION	QA:	RG	55	L
					A3



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**ADDITIONAL INFORMATION** 

CLIENT:		DATE:	FEB 2018	PROJECT N	0.
		DRAWN	AK	PN1670	)
ADDRESS:	20-26 YOUNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
DRAWING NAME:	NORTH ELEVATION	QA:	RG	56	L

Robert Gizzi (Reg. 8286)

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	DATE:	FEB 2018	PROJECT N	0.
SE DEVELOPMENT	DRAWN	AK	PN1670	)
JNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
LEVATION	QA:	RG	57	L



DRAWING NAME: SECTION



	DATE:	FEB 2018	PROJECT N	0.
	DRAWN	AK	PN1670	)
UNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
A	QA:	RG	61	L
				A3





	DATE:	FEB 2018	PROJECT N	0.
	DRAWN	AK	PN1670	C
JNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
В	QA:	RG	62	L





	DATE:	FEB 2018	PROJECT N	0.
E DEVELOPMENT	DRAWN	: AK	PN1670	0
JNG STREET, WOLLONGONG	SCALE:	1:300	DWG No.	Rev.
С	QA:	RG	63	L
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DRAWING NAME: SECTION

	DATE:	FEB 2018	PROJECT N	D.
SE DEVELOPMENT	DRAWN	: AK	PN1670	)
UNG STREET, WOLLONGONG	SCALE:	1 : 300	DWG No.	Rev.
D	QA:	RG	64	L

## Wollongong Design Review Panel Meeting minutes and recommendations

Date	14 November 2019
Meeting location	Wollongong City Council Administration Offices
Panel members	Tony Tribe
	Karla Castellanos
	Marc Deuschle
Apologies	Pier Panozzo – City Centre & Major Development Manager
Council staff	Nigel Lamb – Senior Development Project Officer
Guests/ representatives of	Robert Gizzi – Design Workshop Australia
the applicant	Amanda Kostovski – Design Workshop Australia
	Luke Rollinson – MMJ Wollongong
	Goran Ugrinovski – ATB Consulting
Declarations of Interest	Nil
ltem number	2
DA number	DA-2019/1122
Reasons for consideration by DRP	Clause 28 SEPP65, Clause 7.18 WLEP 2009
Determination pathway	Wollongong Local Planning Panel
Property address	20 - 26 Young Street, Wollongong 2500
Proposal	Demolition of existing structures and construction of a 15 storey mixed use development comprising 60 residential units, six (6) commercial tenancies and parking for 89 vehicles
Applicant or applicant's representative address to the design review panel	The applicant explained that the comments of the WDRP 1 November 2018 were considered and significantly incorporated in design development of this DA proposal.
Background	The site was inspected and assessed by the panel prior to lodgement on 1 November 2018 (DE-2018/158). The site was re-
	Inspected by the Fahel off 14 November 2019.
Design quality principals SEPI	P 65
Design quality principals SEPI Context and Neighbourhood Character	Additional site information has been supplied in response to concerns raised in relation to site analysis. It remains disappointing that the site analysis/synthesis does not succinctly demonstrate how rigorous consideration of the constraints and opportunities of the site and its context inform the design solution presented. Despite this, the Panel generally acknowledged the significant improvements now incorporated.
Design quality principals SEPI Context and Neighbourhood Character	P 65 Additional site information has been supplied in response to concerns raised in relation to site analysis. It remains disappointing that the site analysis/synthesis does not succinctly demonstrate how rigorous consideration of the constraints and opportunities of the site and its context inform the design solution presented. Despite this, the Panel generally acknowledged the significant improvements now incorporated. The single floor step in the street wall from the proposed abutting development to the south is considered appropriate despite not in strict compliance with standards. It should be confirmed that the indicated adjacent works describe the current consent.
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Design quality principals SEPI Context and Neighbourhood Character	<ul> <li>P 65</li> <li>Additional site information has been supplied in response to concerns raised in relation to site analysis. It remains disappointing that the site analysis/synthesis does not succinctly demonstrate how rigorous consideration of the constraints and opportunities of the site and its context inform the design solution presented. Despite this, the Panel generally acknowledged the significant improvements now incorporated.</li> <li>The single floor step in the street wall from the proposed abutting development to the south is considered appropriate despite not in strict compliance with standards. It should be confirmed that the indicated adjacent works describe the current consent.</li> <li>Analysis of the potential future development of the residual properties to the north is limited to containing the maximum FSR within a similar street wall height. The shape and area of this site renders this a reasonable proposition. However, the Panel acknowledges that it may not represent the only possible outcome on that site.</li> <li>The proposed 4 apartment per floor tower configuration, with ADG complying setbacks and skewed primary NE/NW outlooks does not appear to constrain any feasible development of this residual site.</li> </ul>
Design quality principals SEPI Context and Neighbourhood Character	Additional site information has been supplied in response to concerns raised in relation to site analysis. It remains disappointing that the site analysis/synthesis does not succinctly demonstrate how rigorous consideration of the constraints and opportunities of the site and its context inform the design solution presented. Despite this, the Panel generally acknowledged the significant improvements now incorporated. The single floor step in the street wall from the proposed abutting development to the south is considered appropriate despite not in strict compliance with standards. It should be confirmed that the indicated adjacent works describe the current consent. Analysis of the potential future development of the residual properties to the north is limited to containing the maximum FSR within a similar street wall height. The shape and area of this site renders this a reasonable proposition. However, the Panel acknowledges that it may not represent the only possible outcome on that site. The proposed 4 apartment per floor tower configuration, with ADG complying setbacks and skewed primary NE/NW outlooks does not appear to constrain any feasible development of this residual site. The extension of application works to include paving up to the street kerbs, street trees and undergrounding power is noted.

	Podium:
	The ground floor planning demonstrates due consideration of the wide range of competing design issues confronting complex mixed use development on this dual frontage, sloping site. Direct level street access to the majority of commercial frontages is acknowledged.
	It is noted that high ceiling heights and voids to commercial, common and plant areas have been incorporated as devices to achieve the built form. The resultant increase in built volume should be assessed in terms of technical FSRA compliance and sustainability impact.
	The two levels of residential above include 1- and 2-bedroom apartments and two level 'maisonette' style apartments in a H form layout.
	The indicated treatment of north and south podium walls on the common boundaries does not relieve the excessive visual massing of these walls and will present to the public domain until the adjoining sites are developed. Robust measures to provide high-quality interfaces is strongly recommended as these walls will be visible in the interim and depending on the redevelopment opportunities of the site to the north, they might be visible in the medium to long terms. Integral pattern designs (rather than applied) are strongly recommended for the outer edges of these walls as a gesture to the surrounding public domain. The panel is particularly worried about the checker pattern effect proposed for these walls.
	It is recommended that, between the street wall fronting apartments, the boundary walls be dropped to just above the ground floor and the 'Zen' garden glass roofs be removed to provide open, landscaped break-outs and light sources to the commercial areas. The value of these spaces will remain significant regardless of the impact of future adjacent development on the boundaries.
	The podium roof includes POS to 4 apartments and separate east and west COS areas with perimeter elevated planters. The openness of this arrangement is considered a considerable improvement from previous proposals locating COS lower down between podium wings.
	<u>I ower</u> : The tower comprises 10 levels of 3 x 2 bed, 1 x 3 bed apartments, setback a minimum of 9 metres from common boundaries and 4 metres behind the street wall. All are corner apartments. The typical floor tower is surmounted by 2 x 3 bed, 2 storey 'maisonette' penthouse apartments south of the core. The roof north of the core is additional COS.
	See Amenity and Aesthetics for detailed comments.
Density	The physical bulk and form of the development is compatible with expectations for this precinct.
	A technical compliance verification of GFA measurement is recommended, e.g. are ramps, stairs and bathrooms within sole occupancy commercial areas GFA? What is the GFA status of excessive commercial/ communal area ceiling heights?
Sustainability	To meet reasonable 'design excellence' the panel considers that measures beyond statutory compliance with water and energy management are required.
	It is expected that all water from roofs and hard surfaces will be

	harvested, stored and used for plant maintenance via an irrigation system. To be effectively maintained these planted areas must be managed by the body-corporate.
	Consideration should be given to supplementing power supply to common area systems with solar power, maximizing PV panel arrays to unused roof areas, and supported by suitable battery storage.
	Sustainability issues with over-height commercial and common areas should be investigated and remedial measures adopted.
	Drying areas and areas for air handling units can be accommodated within balcony spaces provided that they are not visible from the public domain.
Landscape	Overall, acceptable approaches to the provision of COS, and the consideration of the public domain, have been provided. It is commended that the design aims to provide program and amenity as well as a strong aesthetic to the landscape design. The following comments should be considered for inclusion in any future submission:
	Ground floor: The indoor 'zen' gardens may be more valuable as outdoor spaces and lightwells into the GF commercial zones as opposed to internalised spaces. Achieving requirements for water but especially sunlight may be easier if revised. Consideration could also be given to the southern edge garden being moved towards the lobby / concierge area to create more light in the lobby. The proposed green-wall in the lobby may be relocated to take advantage of sunlight if achievable. Advantage of the garden above could be taken to have plants spill down from above.
	The planter that separates the residential and commercial lobbies feels token. There could a better separation be created between these two entries to better delineate them – stepping the facade or similar may be explored.
	The Panel understands that these measures have been introduced to comply with Council's DCP provision that requires no point in a commercial tenancy to be more than 20m from a natural light source; however, if introduced, these measures need to make a meaningful contribution to the internal amenity of the commercial units. If not well integrated, they will become overlooked spaces with no visual interest.
	Level 1:
	The garden opposite the meeting room and gym should be considered if becoming usable space that complements the internal functions is viable. Likewise this could be done for the southern garden, although there the idea of a garden for aesthetics only is more logical.
	Level 3 and above:
	The general arrangement of the COS is good. It would benefit the development overall to consider how the spaces work as a suite of spaces. Currently the use and materiality of each is very similar – adding some variety should be considered to provide a larger variety of program / amenity.
	Level 3:
	It should be considered whether the COS could be extended north, on either or both sides of the development, to increase the space available to residents.

	Materiality feels warm and inviting – some spaces may benefit from a change in materiality to distinguish them from others.
	As each space is entered the water feature appears to be strangely located in pavement. Consideration should be given to how this impact the space. Given the potential views both east and west perhaps opening this up would be better, or perhaps the planter or pebble edge could angle in to contain the water feature. A larger planter may be considered as this would also create a stronger buffer between the POS and COS – buffers are generally a little narrow on this level.
	Consider whether the edge could be exposed to residents in some instances to take advantage of views without a planter between.
	Level13: Generally, the arrangement is good, but it appears that better variety could also be achieved on this level with minor adjustments. Consider varying the size and arrangement of the small spaces to create spaces for varying sized groups and also to create better privacy between the spaces to allow use by different groups simultaneously.
Amenity	Consideration should be given to reconfiguring typical floor (unit 401, 402) balconies to wrap around north side of living room (in lieu south side). This would provide better sun access and reduce interlot privacy issues to the south. Proposed screening to Units 403, 404 should be designed to manage on site overlooking.
	Design development should include resolution basement car-park exhaust discharge sensitively integrated into design and meeting health and amenity standards.
	Areas outside L1 Meeting Rooms/Gym should be designed to complement internal functions – see also landscape for further comments.
	The panel recommends relocating the position of the mailboxes in the residential lobby. Currently, the mailboxes are in direct line of sight from the street and they should be located to a more discreet location. The current location should be utilised as a mural wall to enhance the arrival sequence.
	The internal layouts of units e.g. 401, 404 and similar could benefit from a reconfiguration of the entry sequence to these units so that the kitchen is not visible upon first arrival. The laundry and store area can be reconfigured to create a sense of arrival through a foyer to redirect the entry sequence more directly to the living area and away from the cooking areas.
Safety	On structure edge planting areas are to include BCA compliant safety balustrading. This should be designed sensitively to avoid the feeling of excessive height adjacent to these spaces from both inside and outside of the development.
Housing Diversity and Social Interaction	No issues found.
Aesthetics	The clean, modular and predominantly monochromatic expression of the ground floor and podium is generally supported.
	It is suggested that extending the podium roof planting for the full frontage would considerably enhance the podium/tower demarcation viewed from the public domain.
	Street awnings to both streets should be finessed considering a resolved interface with future adjacent awnings, allowances for mature growth of street trees and parallel alignment with the kerbs.

	The strong contrasting horizontal and vertical expression of the tower is supported but appears compromised by the wide eaves capping the uppermost level.		
	Overall Building Expression:		
	The vertical expression central to the north facade seems overly complex, and needs refining, perhaps with less projecting 'columns'.		
	It is recommended the clarity of the design theme be finessed and simplified.		
	While the expression of the podium is acceptable under a common horizontal frame, the Panel suggested for the Applicant to explore ways to introduce additional vertical articulation to increase the perception of 'fine grained' articulation to further enhance the pedestrian experience.		
	Materials Palette:		
	The restricted material palette is supported comprising essentially off-form and pre-cast concrete finishes ranging from mid-greys to white, with polished surfaces around the public interface.		
	The Panel strongly supports the use of pre-cast concrete panels as an integral and durable material choice. Any attempt to substitute this with unpainted render to achieve the same look will not be supported.		
	Podium residential privacy screening is white. Timber finish is used to express strong vertical elements and tower privacy screens. The Panel recommends to reconsider the use of screening if possible as a means to provide privacy; however, when used, incorporate them to the overall façade design instead of merely being isolated to cover each window opening, which emphasises their utilitarian application rather than being an aesthetic choice.		
	Balcony balustrades include concrete and clear glass.		
	It is recommended north and south walls be significantly reduced in area (see Built Form) with a subtle surface treatment/texture to ensure walls are as recessive as possible viewed from the public domain.		
	In finessing material selections sustainability and long-term maintenance are key considerations. The extent of nominated timber finishes warrants careful particular attention.		
	The proposal should have consideration of how a lighting scheme can improve the proposed features and aesthetics of the podium and tower as well as enhance the use of communal open spaces after daylight hours.		
Design Excellence WLEP2009			
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The panel is of the view the tower and podium concept is appropriate for the site. The proposal demonstrates refinement and resolution of significant issues raised in the previous WDRP review.		
	The proposal with minor design development and finessing, taking into consideration the comments above, can meet the required standard.		
Whether the form and external appearance of the	The proposal will improve the quality and amenity of the public domain.		
proposed development will	Issues raised previously are satisfactorily addressed:		
amenity of the public domain,	Footpaths, verges, street tree planting, power line undergrounding,		
	and direct access to commercial frontages are all incorporated.		
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Whether the proposed development detrimentally impacts on view corridors,	No. The tower will be below the Mt Kembla/Keira escarpment height viewed from Flagstaff Hill.		
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,	See above.		
existing and proposed uses and use mix	The proposed scale and use mix represent a significant change from existing, but it is compatible with the future planning of the area.		
heritage issues and streetscape constraints,	NA		
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The tower is located to meet ADG guidelines (50% of separation requirements).		
bulk, massing and modulation of buildings	See above. The podium and slender tower with 4 corner units per floor is an appropriate development form for this fringe CBD street block.		
street frontage heights	The concept is considered appropriate with the lower street wall height to the podium proposed.		
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 panel supports the concept and acknowledges the significant measures incorporated to address issues raised in earlier WDRP comments.		
	Key issues to be considered and addressed are:		
	• Reduce public domain impact of the north and south boundary walls and provide maximum light access to lower levels until adjacent sites developed.		

•	Wrap balconies to southern units around north side to maximise solar access, addressing inter-unit privacy issues.
•	Extend podium roof planters full width of site to emphasis demarcation of tower from podium from public domain.
	Develop and finesse design including the addressing of all detailed issues raised in the comments above.

## **Approved Plans and Specifications**

The development shall be implemented substantially in accordance with the details and 1 specifications set out on the following plans Demolition Plan 06-L dated 19 December 2019 prepared by Design Workshop Australia Basement 3 Floor Plan 30-L dated 19 December 2019 prepared by Design Workshop Australia Basement 2 Floor Plan 31-L dated 19 December 2019 prepared by Design Workshop Australia Basement 1 Floor Plan 32-L dated 19 December 2019 prepared by Design Workshop Australia Ground Floor Plan 33-L dated 19 December 2019 prepared by Design Workshop Australia Level 1 Plan 34-L dated 19 December 2019 prepared by Design Workshop Australia Level 2 Plan 35-L dated 19 December 2019 prepared by Design Workshop Australia Level 3 Plan 36-M dated 29 January 2020 prepared by Design Workshop Australia Level 4 Plan (levels 4-12 typical) 37-M dated 29 January 2020 prepared by Design Workshop Australia Level 13 Floor Plan 38-N dated 24 February 2020 prepared by Design Workshop Australia Level 14 Floor Plan 39-N dated 24 February 2020 prepared by Design Workshop Australia Roof Plan 40-L dated 19 December 2019 prepared by Design Workshop Australia East Elevation 54-L dated 19 December 2019 prepared by Design Workshop Australia West Elevation 55-L dated 19 December 2019 prepared by Design Workshop Australia North Elevation 56-L dated 19 December 2019 prepared by Design Workshop Australia South Elevation 57-L dated 19 December 2019 prepared by Design Workshop Australia Section A 61-L dated 19 December 2019 prepared by Design Workshop Australia Section B 62-L dated 19 December 2019 prepared by Design Workshop Australia Section C 63-L dated 19 December 2019 prepared by Design Workshop Australia Section D 64-L dated 19 December 2019 prepared by Design Workshop Australia and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder. **General Matters** 

# 2 Geotechnical

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 13 September 2019 by EI Australia.
- b A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- c All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- d Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- e No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- f Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.

g All earthworks including drainage and retaining wall construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.

## 3 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.

# 4 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.

# 5 Separate consent required for advertising signage

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development under an environmental planning instrument.

## 6 Occupation Certificate

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

## Prior to the Issue of the Construction Certificate

## 7 Installation of Noise Reduction Measures

The noise reduction measures specified in the Road & Rail Noise Intrusion Assessment for Proposed Mixed-Use Development Report prepared by Harwood Acoustics dated 30 January, 2019 and BCA Acoustical Compliance Review shall be installed prior to issue of the Occupation Certificate.

# 8 Works to be in accordance with Construction Environmental Management Plan

The Construction Environment Management Plan (CEMP) (ATB Consulting Engineers Pty Ltd, 25 January 2020) is to be updated to include the construction noise and vibration mitigation measures outlined in the report *Construction Noise and Vibration Management Plan for Proposed Mixed Use Development* report (Harwood Acoustics, 30/1/2019) and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval prior to the issue of a construction certificate.

Following approval of the CEMP, all works on the site must be carried out in accordance with the approved Construction Environmental Management Plan for the full duration of construction works.

## 9 **Photovoltaic panels**

Photovoltaic panels are to cover the roof over the level 13 communal open space and incorporate a battery storage system. Detail of this is to be shown on the Construction Certificate.

## 10 Section 73 Compliance Certificate

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

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

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

## 11 Endeavour Energy Requirements

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

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

#### 12 Telecommunications

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

## 13 Car Parking and Access

The development shall make provision for the following:

#### Residential

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

#### Commercial

- 19 commercial car parking spaces (including 1 space for people with disabilities)
- 1 commercial motorcycle parking space
- 14 secure (Class B) employee bicycle spaces

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

- 14 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.
- 15 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.

## 16 Designated Loading/Unloading Facility

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

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

# 18 Gradients of Ramps and Driveways as per AS 2890.1

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

# 19 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.

20 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.

# 21 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.

# 22 Traffic Noise

Recommended noise attenuation measures outlined in report Road & Rail Noise Intrusion Assessment for Proposed Mixed-Use Development (Harwood Acoustics, 30/1/2019) shall be implemented in their entirety. Any dwelling erected upon this site shall be designed and constructed in accordance with the requirements of the Australian Standard AS3671 (1989) 'Acoustic – Road Traffic Noise Intrusion – Building Siting and Construction'. These requirements shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Private Certifying Authority, prior to the issue of the Construction Certificate.

## 23 Landscaping

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

- 24 The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
  - a planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *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, *Syzygium paniculatum* Brush cherry.

A further list of suitable suggested species 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; and
- d any proposed hard surface under the canopy of 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 rainwater tanks to capture runoff for use in irrigation of landscaped areas on both the podium and level 13 communal open space.

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

- 25 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.
- 26 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.

#### 27 **Dust Suppression Measures**

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifier, prior to issue of the Construction Certificate.

28 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.

# 29 **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.

#### 30 Footpath Paving City Centre

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

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

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

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

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

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

## 31 Street Trees City Centre

The developer must address the street frontage by installing street tree planting. The trees must be 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be adequately mulched, plants installed and tree 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.

## 32 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.

## 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.

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 Development Contributions - City Centre

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$369,240.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

# Contribution at time of payment = \$C x (CP2/CP1)

Where:

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

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

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

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

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1166041	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul><li>Cash</li><li>Credit Card</li><li>Bank Cheque</li></ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

The following payment methods are available:

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

# 35 Details of Measures to Control Tracking of Material

Details of the measures to be provided that will adequately control the tracking of material onto any public road by vehicles leaving the site shall be provided to Council prior to the commencement of demolition works.

## 36 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.

## 37 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.

## 38 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.

## 39 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.

## 40 **Demolition Works**

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

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

#### 41 Notification to SafeWork NSW

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

#### 42 Demolition Notification to Surrounding Residents

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

#### 43 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.

#### 44 **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.

#### 45 Works in Road Reserve - Minor Works

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

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

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

#### 46 Tree Protection

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

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

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

#### During Demolition, Excavation or Construction

## 47 Contamination – Further investigation following demolition

Following demolition of the existing structures on site, additional soil sampling is to be undertaken of the soil that was previously made inaccessible by the presence of these structures. The results and assessment are to be prepared as an addendum to the approved *Detailed Site Investigation Assessment and Report* (EI Australia, 20 September 2019) and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval prior to the commencement of excavation works.

#### 48 Notification Prior to Use of Rock Hammers

At least two (2) days notice written notice shall be given to any residence or business within 50 metres of the site prior to the commencement of any work involving hydraulic rock hammers.

#### 49 Construction Noise Limits

Construction noise (including demolition and excavation) shall not exceed the background noise level ( $L_{A90 (15 \text{ min})}$ ) plus 10 dB(A), and a continuous equivalent sound pressure level ( $L_{Aeq (15 \text{ min})}$ ) of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 m above ground level. If the property boundary is more than 30 m from the residence, the location for measuring noise levels is at the most noise-affected point within 30 m of the residence.

## 50 New Information/Unexpected Finds

In the event that demolition and/or construction works cause the generation of odours or uncovering of previously unidentified contaminants or hazardous materials, works must immediately cease and the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

## 51 Waste Inventory Report

A Waste Inventory report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- a) the description of material (including identified hazardous material);
- b) an estimate of the quantity by volume and weight;
- c) the transporter and registration details of the relevant vehicle;
- d) the intended destination of the material;
- e) a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

# 52 **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.

## 53 **Dust Suppression Measures**

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

## 54 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 Certifier), prior to commencement of the construction works.

# 55 **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.

## 56 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.

## 57 Discharge of Accumulated Water

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless a section 68 approval issued under the *Local Government Act 1993* has been obtained and all the following criteria are met:

- a The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b The pH of the water to be discharged is between 6.5 and 8.5; and
- c The water to be discharged contains no visible oil or grease; and
- d If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
- e The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- f The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and

- g A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council, email records@wollongong.nsw.gov.au, attention Building and Certification Manager); and
- h Written permission is obtained from Council's Environment Planning Team prior to any discharge.

Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.

#### 58 **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.

#### 59 **Podium Planting**

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

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

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

#### 60 Noise Control - Construction Works

The construction works shall comply with the Australian Standard AS 2436- 2010 "Guide to Noise Control on Construction, Maintenance & Demolition Sites" and any other requirements outlined in the approved project Construction Environmental Management Plan or as specified by Council or the NSW Environment Protection Authority.

#### Prior to the Issue of the Occupation Certificate

#### 61 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.

## Operational Phases of the Development/Use of the Site

- 62 All servicing and waste collection is to be carried out by a vehicle no larger than a Small Rigid Vehicle (max 6.4 metres in length) from the designated loading/unloading facility enabling forward exit in no more than a 3-point turn.
- 63 All commercial servicing and deliveries are to be undertaken outside of normal retail trading hours to ensure that service and delivery vehicles reversing within car parking areas do not impact on the safety of the general public.
- 64 All waste collection must be carried out from within the site. Waste collection from the street is not permitted at any time.

## 65 Stormwater – Water Sensitive Urban Design

Stormwater discharged from the site shall be managed as outlined in the *Water Sensitive Urban Design Report* (ATB Consulting Engineers PTY LTD, 5 September 2019) to ensure that discharges shall meet or exceed the following performance target reduction loads outlined below when measured at the point/s of discharge:

- Gross Pollutants 90%
- Total Suspended Solids 80%
- Total Phosphorus 55%
- Total Nitrogen 40%

# 66 Maintenance of Stormwater Treatment Devices

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters and with appropriate permits if required.