

Wollongong Local Planning Panel Assessment Report | 14 September 2021

WLPP No.	Item No. 3
DA No.	DA-2020/1465
Proposal	Mixed use development - construction of a 13 storey residential flat building over a ground level commercial premise and one (1) level of basement parking
Property	15-19 Crown Street Wollongong
Applicant	Traders in Purple
Responsible Team	Development Assessment and Certification - City Centre Team – (BH)
Prior WLPP meeting	Nil

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. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018. In accordance with Schedule 1, 4 (b) and 3 of the Local Planning Panels Direction of 30 June 2020, the proposal is sensitive development being that to which SEPP 65 applies and contravenes a development standard by more than 10% (building separation CI 8.6) of Wollongong Local Environmental Plan 2009.

Proposal

The development application seeks approval for demolition of existing structures and construction of a mixed-use development (residential flat building comprising private and social housing and commercial premise).

Permissibility

The proposal is permissible with consent in the B4 Mixed Use Zone.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received ten (10) submissions, one is support and nine objections following Notification.

Main Issue

Clause 4.6 in relation to building separation.

RECOMMENDATION

It is recommended that the application be approved subject to conditions contained in **Attachment 11**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP65 – Design Quality of Residential Apartment Development
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal management) 2018

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Development Contributions Plan 2020

1.2 DETAILED DESCRIPTION OF DEVELOPMENT

The proposal comprises:

- Construction of a thirteen (13) storey mixed use commercial/residential development, consisting of one (1) level of basement parking (with additional parking at ground floor level), ground floor commercial/retail premises, with residential apartments above (i.e. shop top housing);
- The residential component comprises twelve (12) levels and incorporates a total of A total of 65 residential units are proposed (38 residential apartments and 27 social/affordable housing units);
- The dwelling mix includes:
 - Private housing: Eighteen (18) x two (2) bedroom apartments, and twenty (20) x three (3) bedroom apartments;
 - Social housing: Eleven (11) 'dual key' two bedroom apartments. These 'dual key' units are capable of being maintained as a two-bedroom unit or configured into separate domiciles consisting of a studio apartment and a one-bedroom unit. This configuration will allow for a range of eleven (11) to twenty-two (22) units (i.e. eleven two-bedroom units or twenty-two units consisting of eleven studio apartments and eleven one-bedroom apartments).
- Communal open space and garden areas at podium level (level 3) and rooftop (level 12); and
- 1 level of Basement parking and ground level parking providing for a total of sixty-six (66) cars, with additional bicycle parking (28 spaces) and motorbike (5 spaces) parking.

Separate pedestrian access is available to the residential and commercial components of the development. Vehicular access to the development is provided via a combined ingress/egress driveway on the eastern side of the site.

The proposed development is a 'Community Plus' Project, which is an initiative by the NSW Government's Land and Housing Corporation (LAHC). This initiative aims to provide integrated housing developments in partnership with private, non-government community housing sectors. The applicant (Traders In Purple) were awarded the public/private partnership tender by LAHC for the site as part of the Communities Plus Neighbourhood Projects (Release 2).

The applicant has indicated that the social housing component of the development will be administered by a registered housing provider (as the 'community housing provider'). The affordable housing component of the development will also be managed by a Community Housing Provider but will be held in the ownership of

Traders in Purple/Investors and will have a covenant on title requiring the properties to be used for 'affordable housing'. The social and affordable housing components are all housed on levels one and two.

The intent is for a registered housing provider to manage the social and affordable dwellings, however this is subject to entering into a lease agreement prior to completion / units being occupied. The affordable housing will be tenanted to households that have very low, low or moderate incomes which satisfy the criteria identified in Clause 6(1)(a) of the ARH SEPP.

It is noted that the development application has been lodged by a private entity (Traders in Purple) and approval is not sought for a 'Crown development application'.



PHOTOMONTAGE 01 - LOOKING SOUTH WEST ALONG CROWN STREET



PHOTOMONTAGE 02 - LOOKING SOUTH EAST ALONG CROWN STREET

1.3 BACKGROUND

A pre-lodgement meeting was held on 16 September 2020 (PL-2020/127).

The Design Review Panel considered the proposed development on 14 September 2020 and 19 January 2021.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 15-19 Crown Street Wollongong and the title reference is Lot 1 DP 87188. The site has frontage to Crown Street (northern boundary) of 39.47m, a rear (southern) boundary of 39.84m, and side boundaries (eastern and western) of 50.52m length.

The site has an area of 1,998.1m² is regular in shape, and relatively flat with a gentle fall to the rear.

The site is currently vacant following the recent demolition of the existing residential development which existed on the site. This development comprised a residential flat building complex of three buildings of older housing stock (circa. 1960s construction), in ownership of the NSW Land and Housing Corporation

Adjoining development is as follows:

- North: Crown Street
- East: takeaway food shop (Chicko's)
- South: 4 storey residential flat building contained within 2 buildings (No. 8 to 10 Burelli Street)
- West: 2 storey residential flat building (Acton Court)

North of the site is St Francis Xavier Catholic Church and associated facilities. Adjoining to the east is a fast food outlet (Chicko's) and further to the east is the WIN Entertainment Centre and WIN Stadium.

Property constraints

Council records identify the land as being impacted by acid sulphate soils.

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



Figure 1: Site photographs

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 from 11-25/1/2021. Ten submissions were received (9 objections and 1 in support) and the issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Parking/Traffic	Most submissions raise concerns related to insufficient parking and likely impacts on local traffic. Parking is compliant and Council's traffic engineer has confirmed that the parking rates provided accord with Council's DCP (noting AFR SEPP) and that no significant impacts on the local street system are likely as a consequence of the development.

Concern	Comment
2. Building Design	Concern is raised over the appearance/design of the building. The Design Review Panel have provided positive comments in relation to the building's design.
3. Increased FSR	Many submissions raise concern over the increased FSR available as a result of the social housing component. Council's does not have the ability to require parking above that which is permitted by the SEPP.
4. Social Housing	Objection is raised to the provision of further social housing which is considered by some residents as resulting in adverse anti-social behaviour in the lower Crown Street area (east of Corrimal Street). The provision of social housing is considered desirable. The building design and mixed use nature will encourage social interaction enhancing the local rea .
5 Height	Most submitters are concerned about the height of the building in an area that should, because of its proximity to the foreshore, be of a lower scale and devoted to tourist type developments rather than residential development. The proposed building meets the height requirement for the site (max 48m) and the use is permissible in the B4 mixed use zone.
6 Overshadowing	A number of submissions related to overshadowing concerns. One submission in particular raised concern regarding overshadowing a balcony/private open space area within an adjoining residential flat building. The applicant was requested to submit additional shadow diagrams to demonstrate the specific impacts on the objector's property. These demonstrate that the overshadowing is within acceptable limits. (see below).
7 View Loss	Some concerns are raised that the height of the building will impact on views. Although the building is significantly higher than the adjacent residential flat building to the west, this site is likely to be redeveloped in the short to medium term and notwithstanding some view loss would be anticipated with any development of this type within the city centre.
8 Tree Planting	One objection raised concern regard the choice of plane trees as street trees. This has been assessed by Council's landscape officer who has raised no concerns. It should be noted that plane trees are a species of tree that exists in this part of Crown Street.

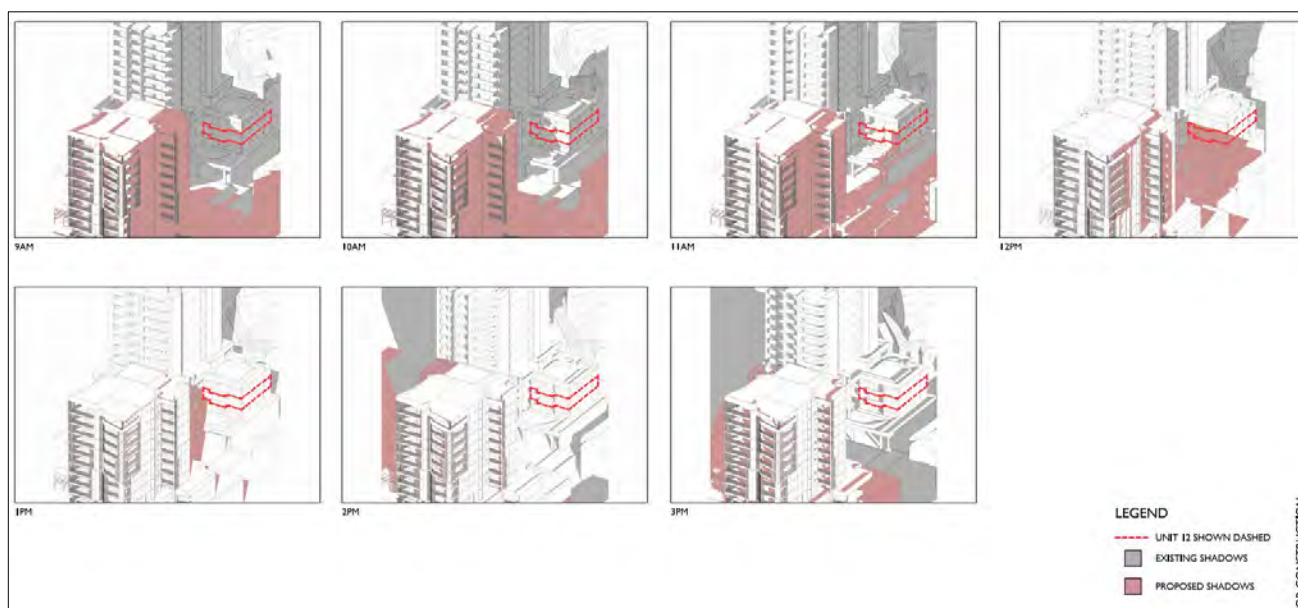


Figure 2 - additional shadow diagrams showing impact on objectors property

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Landscape, Environment, and Heritage officers have reviewed the application providing generally satisfactory referrals. In some instances, additional information was requested and subsequently provided by the applicant. Conditions of consent which have been recommended by Council's specialist officers have been included in the draft set of conditions which forms **Attachment 11**.

1.6.2 EXTERNAL CONSULTATION

2 Endeavour Energy

Endeavour Energy has provided comments on the proposal and raised no concerns.

Design Review Panel – Pre Lodgement

The application was reviewed by the Design Review Panel (DRP) on 14 September 2020.

The Panel advised that they were satisfied the proposal exhibits design excellence advising that the scale and built form was generally supported – especially its small plan tower and general composition. The proposal's aesthetics, including its brick materiality, screens and general composition were commended. The Panel commended the tower apartments, which were considered highly amenable.

Side and rear setbacks proposed at podium and tower levels were also supported.

Matters that were to be addressed or further refined included:

- Further consideration of future pedestrian amenity (weather protection) along the Crown Street
- The entry forecourt is too deeply set. The ground floor interface should be reconsidered to create :
 - clear alignments of ground floor tenancies and entry,
 - a secure well designed screen to define the entry forecourt, moved significantly closer to the frontage.
- Relocation of the pad-mounted substation to a fully enclosed substation room.
- The location of fire boosters is a disappointing outcome.

- Side facing podium units U102, U106, U202 and U206 are very deep within the plan, with living rooms located behind deep balconies. These apartments should be redesigned to ensure that living rooms are pushed to the facades of the built form.
- Recommend that an additional roof terrace is provided to the street facing north east podium roof space at level 3.
- Additional street trees should be added to common open space (COS) areas.
- The COS should be considered as a series of space with regards to summer and winter use, solar access and providing a variety of spaces to a variety of program/uses.
- The patterned roof on level 3 will absorb heat given the chosen materials. Consider these becoming extensively-planted roof gardens. The NE corner should be considered as a usable COS with complementary functions to the L1 and rooftop spaces.
- The COS on the rooftop, similar to L1, has a series of similarly sized and programmed spaces which would benefit from more variety of size / use.
- Species selection should include intended street trees which appear to be plane trees on adjoining streetscapes. The choice of *b.integrifolia*, while a native species, does not appear a good choice for this type of project due to its irregular form – a substitution should be considered.

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

These issues were addressed by the applicant in the development application which was subsequently reconsidered by the Panel on 19 January 2021.

Design Review Panel – Post Lodgement

Following its review of the revised plans submitted with the development application concluded that:

- The width of the awning should be increased by 1m – 1.2m to the north to provide some weather protection to the footpath
- The substation should be fully enclosed within its own room.
- Provided they are fully integrated into the new sculptural wall, the location of the fire boosters is acceptable
- The design resolution of certain landscape /COS spaces needs further development
- BCA compliant egress to podium apartments – when operated on a 'twin key' basis needs to be verified.

The Panel supported the proposal and advised that further consideration by the Panel was not required.

It should be noted that at the time of consideration by the Panel a child care centre was proposed at ground floor level. This aspect of the proposal was considered to have significant design related issues and the applicant eventually submitted amended plans on 17 December 2020 replacing the child care centre with a commercial tenancy. A number of associated changes to the ground floor plan were proposed to accommodate the inclusion of a commercial tenancy however the changes were not considered to be of such significance to warrant a reappraisal by the Design Review Panel.

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

3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

NSW BIODIVERSITY CONSERVATION ACT 2016

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1-hectare minimum lot size).

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

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

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

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

Council's Environment Officer has reviewed the site contamination reports pertaining to the site and given a satisfactory referral. A condition of consent has been recommended in relation to disposal of excavated material. In addition, prior to issue of a Construction Certificate the applicant will be required to prepare an unexpected finds protocol (UFP) and submit a copy to the Principal Certifier and Council.

Having regard to the above, no concerns are raised regarding contamination related to the intended residential use of the land and the site is considered to be suitable for the proposed development with regard to clause 7 of this policy subject to conditions.

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

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

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

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to clause 28(2)(a) of the SEPP and are discussed below.

Principle 1: Context and neighbourhood character

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

Principle 2: Built form and scale

The 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 public open space and services.

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.

Principle 5: Landscape

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

Principle 6: Amenity

The development provides for minor variations to the building setbacks to boundaries as required by the ADG which are designed to provide for equitable sharing of building separation distances with neighbouring sites when subject to future redevelopment (refer to the ADG assessment at **Attachment 7**). A condition of consent is proposed regarding the provision of additional screening to satisfy privacy requirements.

The proposal satisfies the requirements for solar access, private and communal open space, storage, visual and acoustic privacy, access and the like for future occupants of the development.

Principle 7: Safety

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

Principle 8: Housing diversity and social interaction

Apartment types range from 36.1m² to 102.8m² and configured as studio, 1, 2 and 3 bedroom units. 7 Units (10%) of units are provided accessible units. The mix of unit sizes and layouts complies with WDCP 2009 and is appropriate to the locality.

Principle 9: Aesthetics

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

An assessment of the application against the ADG is contained within **Attachment 9** to this report.

3.1.3 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The proposed development proposes a component of affordable housing in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

(Clause 6) of the SEPP defines 'affordable housing' as:

"housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument" and further states that:

- (1) *In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—*
- (a) *has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
 - (b) *is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*
- (2) *In this Policy, residential development is taken to be for the purposes of affordable housing if the development is on land owned by the Land and Housing Corporation.*

The proposed development comprises a total of sixty five (65) dwellings on the site. Thirty-eight (38) of the apartments will be standard residential housing tenure. Twenty-seven (27) of the apartments are proposed to be designated as affordable/social housing. These units will be located over levels 1 and 2 of the building and include eleven (11) 'dual key' two-bedroom units, which are capable of being maintained as a two-bedroom unit or configured into separate domiciles consisting of a studio apartment and a one-bedroom unit (i.e. eleven two-bedroom units or twenty-two units consisting of eleven studio apartments and eleven one-bedroom apartments).

Clause 10 of Part 2, Division 1 of the SEPP specifies the following criteria that development must meet to be in-fill affordable housing:

(1) *This development applies to residential development if:*

(a) *the development concerned is permitted with consent under another environmental planning instrument, and*

Complies:

The subject land is zoned B4 Mixed Use zone pursuant to WLEP 2009 and the proposed development is permissible with consent.

(b) *the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, an interim heritage order or on the State Heritage Register under the Heritage Act 1977, and*

Complies:

The subject site does not contain any item of environmental heritage significance, nor is the site located within a heritage conservation area.

(c) *the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%, and*

Complies.

The percentage of the GFA of the development that is to be used for affordable housing is 28.42%.

Components	Dwellings	GFA (sqm)	CIV	Apportionment
Social & Affordable	27	1,608	28.42%	\$4,520,892
Private Component	38	3,807	%71.58	\$17,416,309
Project Total GFA	65	5,658	100.00%	\$21,937,201

(d) *for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and*

accessible area means land that is within—

(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

(d) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and

Complies:

A bus stop with regular services is located immediately to the east, on Crown Street beside WIN Stadium.

(e) for development on other land—all or part of the development is within 400 metres walking distance of land within Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to those zones

N/A:

Subclause (d) applies

Floor Space Ratio

The SEPP also provides for floor space ratio bonuses above that which is permitted by the WLEP 2009 being the applicable environmental Planning instrument. For a discussion of floor space ratios applicable to the proposed development see Clause 4.4 Floor space ratio under Section 3.1.3 below.

Standard that cannot be used to refuse consent

Clause 14 of the SEPP sets out the grounds by which affordable rental housing under the SEPP cannot be refused. It is noted that clause 8 of the SEPP confirms that the Affordable Rental Housing SEPP takes precedence over other environmental planning instruments (including SEPP 65 and the Apartment Design Guide). Compliance with the provisions of clause 14 is demonstrated within the following table:

Table 2 - Affordable Rental Housing Standards

		Primary Control	Proposed	Compliance
1B	Site area	The site area on which the proposed development is to be carried out is at least 450m ²	The total site has an area of 1998m ² .	Complies
1C	Landscaping	In the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided or, in any other case—at least 30% of the site area is to be landscaped.	The development application is not made by a social housing provider therefore 30% of the site is to be landscaped (ie. 30% of 1998 = 599.4m ²). A total of 434.55m ² landscaped area is provided, which equates to 21.75% of the site area.	Variation has been sought based on City Centre context. Variation acceptable given that this is a standard only by which 'Consent Cannot be Refused'.
1D	Deep Soil Zones	A minimum of 15% of the site is to be deep soil zone of a sufficient depth to support the growth of trees and shrubs. Each area forming part of the deep soil zone has a minimum dimension of 3m. If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area	Variation to this standard is sought as the development site is located within a B4 Mixed Use zone (refer to SEPP 65 /ADG Assessment)	Variation has been sought and is considered acceptable noting this is a standard only by which 'Consent Cannot be Refused'.
1E	Solar Access	Living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	A total of 83% of the 65 apartments will achieve 3 hours of sunlight on June 21.	Complies
2A	Parking	In the case of a development application not made by a social housing provider parking is to be provided as follows: 1 bedroom - 0.5 spaces 2 bedroom - 1.0 space 3 + bedrooms - 1.5 spaces	Required: Social/affordable 11 x studio 12 x 1 bed 4 x 2 bed ie.(23 x 0.5) + (4 x 1.0) = 16 spaces Provided: 16 spaces for the affordable housing.	Complies
2B	Dwelling Size	Dwelling sizes are to meet the following criteria: Bedsitter or studio min 35m ² 1 bedroom min 50m ² 2 bedroom 70m ² 3 + bedrooms 95m ²	Studio: Min 36.1m ² 1 bedroom: Min 54.6m ² 2 bedroom: Min 76.5m ²	Complies

Design Requirements and Application of SEPP 65

Clause 15 stipulates that a consent authority must not consent to development to which Division 1 of this SEPP applies, unless it has considered the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development. However, it is noted that this clause does not apply to development to which Clause 4 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies. In this regard, it is noted that Clause 4 of SEPP 65 applies to the development as the development comprises the erection of a new building, that is more than 3 storeys in height and contains more than 4 dwellings.

Clause 16 of the Affordable Rental Housing SEPP 2009 confirms that nothing in this policy affects the application of SEPP 65.

Character of Local Area

Clause 16A stipulates that a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The proposed development is compatible with the character of the locality.

Must be Affordable Housing for 10 years

Clause 17 states that:

(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:

(a) for 10 years from the date of the issue of the occupation certificate:

(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and

(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.

Notwithstanding that the site is owned by Land and Housing Corporation, the application confirms that Traders in Purple, as partner in the development, is committed to providing affordable housing (27 dwellings) for a minimum period of ten years in accordance with this provision and is willing to accept a condition of consent to this effect.

3.1.4 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.

3.1.5 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

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

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

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

3.1.6 NSW COASTAL MANAGEMENT ACT 2016 AND WOLLONGONG COASTAL ZONE MANAGEMENT PLAN

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

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

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

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

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

3.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

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

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

(b) a service is provided directly to members of the public on a regular basis,

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

Mixed use development means a building or place comprising 2 or more different land uses.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B4 Mixed Use.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

The proposal is categorised as a **mixed use development** comprising a **residential flat building** above a ground floor **commercial premises**. Both uses as defined above are permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 46.8m does not exceed the maximum of 48m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 2.54:1 (mapped as 1.5:1 however, see Clause 4.4A below)

Site area:	1998.1m ²
GFA:	5,658m ²
FSR:	$5658\text{m}^2/1998.1\text{m}^2 = 2.83:1$ Refer below for applicable bonus provisions under AFR Housing SEPP.

Clause 4.4A Floor space ratio – Wollongong city centre

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

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

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

where—

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

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

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

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

$(3.5 \times 4.29/100) + (2.5 \times 95.67/100):1 = 2.54$

2.54:1 is therefore the maximum floor space ratio.

The site has an area of 1998.1m² therefore the maximum floor space permitted at 2.54:1 is 5,075.17m²

The development proposes 5658m² which equates to an FSR of 2.83:1. The proposal is non-compliant with this requirement however, a bonus FSR is applicable under the Affordable Rental Housing SEPP (see below).

Floor Space Ratio - State Environmental Planning Policy (Affordable Rental Housing) 2009.

Clause 13(2) of the ARH SEPP provides concessions for floor space ratio (FSR) and applies to development to which Division 1 applies if the percentage of the gross floor area (GFA) of the development that is to be used for the purposes of affordable housing is at least 20%. As the land is not being developed for the purpose of 100% Affordable Housing under the SEPP, a concession for maximum floor space ratio can be applied in accordance with the following:

*(2) The maximum floor space ratio for development to which this Division applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, **plus**:*

(a)....

(b) if the existing maximum floor space ratio is greater than 2.5:1—

(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where—

AH is the percentage of the gross floor area of the development that is used for affordable housing.

$Z = AH \div 2.5$

Where **AH** is the percentage of the gross floor area of the development that is used for affordable housing.

The gross floor area proposed for affordable housing (ie. 27 units) is 1608m² and the total proposed GFA for development on the site is 5685m². The percentage of GFA to be used for affordable housing is therefore 28.42%.

The permitted FSR for the site under the provisions of clause 4.4A of WLEP 2009 is 2.54:1 (refer above).

The proportion of affordable/social housing expressed in terms of the total development on the site is as follows:

Proposed GFA	Floor Space	Percentage
Non-Residential	243 m ²	4.29%
Private residential	3,807 m ²	67.29%
Affordable rental housing	1,608 m ²	28.42%
TOTAL	5,685 m ²	100%

Therefore, the FSR bonus, is:

$$28.42/2.5 = 11.37\%$$

The permitted FSR under ARH SEPP, when applying the FSR bonus, is:

$$2.54 + (2.54 \times 11.37\%) = 2.54 + 0.288 = 2.83$$

The proposed FSR is 2.83:1, which is compliant with this clause.

Part 5 Miscellaneous provisions

Clause 4.6 Exception to development standards

See discussion at 8.6 below.

Clause 5.10 Heritage conservation

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

- Comelli Brothers Building (6473),
- St Francis Xavier Church (5932)
- Flats at 10 Crown St (6369).

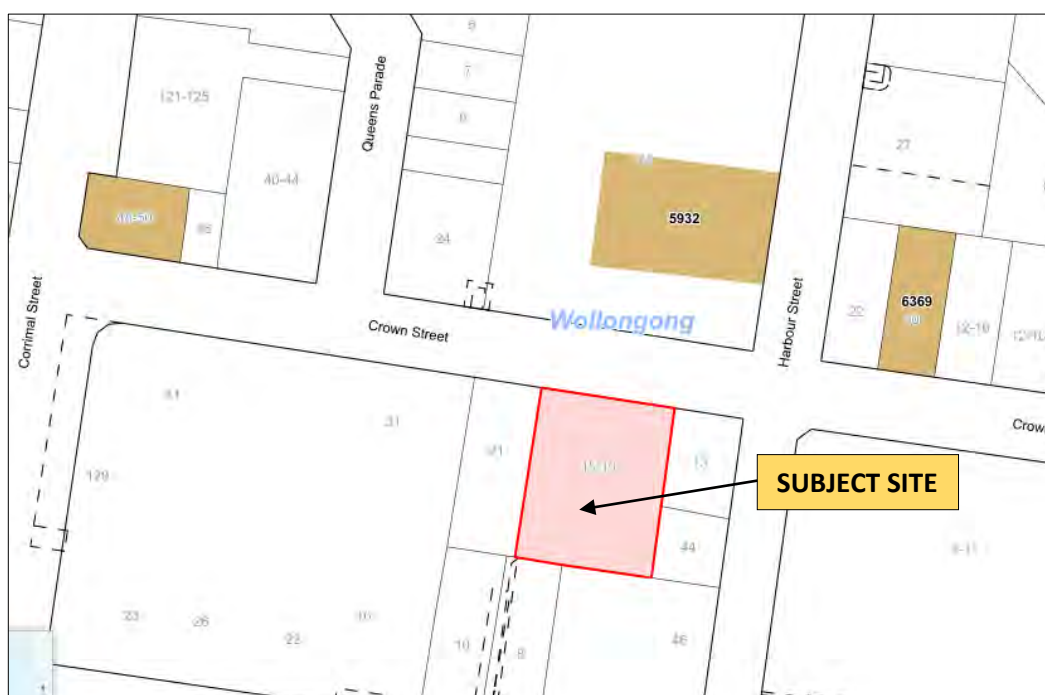


Figure 3 - Site in context of surrounding heritage items

Council has considered Impacts on the adjacent heritage listed buildings. No concerns are have been raised by Council's Heritage Officer in this regard.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

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

Clause 7.3 Flood planning area

The site is not flood affected.

Clause 7.5 Acid Sulfate Soils

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

Clause 7.6 Earthworks

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

Clause 7.13 Certain land within business zones

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

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

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

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

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

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

- The site is suitable for the development
- The use is compatible with the existing and likely future uses in the locality

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

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The objectives for development within the city centre as specified in this clause are:

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

The proposal is considered to be consistent with these objectives.

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

The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. Subclause 2 clause allows the building to be built to the boundary up to the street frontage height, and above that requires a 12m building separation from the street frontage height to 45m, and a 28m building separation distance above 45m in height.

Further, Subclause 3 states that “*if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than—*

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

Levels 3-12 within the proposed development contain residential apartments.

The proposed building setbacks in relation to the requirements of Clause 8.6 are:

- Levels Ground/Mezzanine: Nil separation to street frontage height on eastern boundary. Setback of 5.38m to the western boundary which exceeds the nil separation required. Variation to clause 8.6(2)(a) sought for the western separation.
- Levels 1-2: These levels contain residential apartments and are therefore required to be 20m from any other dwelling in another building and 16m from any other building. Variation is sought at Level 1 of the building, noting that there is no direct interface with existing buildings above this level. Refer to Clause 4.6 report in **Attachment 8**.

- Levels 3-12: These levels contain residential apartments and are therefore required to be 20m from any other dwelling in another building and 16m from any other building. Compliance is achieved to the rear (south). There is interface with existing buildings to the west and east at these levels.

As indicated above, the building separation is not fully compliant, and the applicant has submitted a Clause 4.6 Variation which forms **Attachment 8**.

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

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building Separation
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted.
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	There sufficient planning grounds to justify contravening the 16m height limit are outlined in the applicant's Clause 4.6 Statement.
4.6 (4) (a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's request has adequately addressed the matters required to be addressed by subclause (3).</p> <p>In summary the justification relies on compliance with the building separation standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development is consistent with the objectives of the standard despite the non-compliance.</p> <p>The applicant presents arguments in relation to the unique circumstances of the site in that, if building separation requirements to dwellings to the west and north were adopted a large part of the site would be excluded from any built form. This would be impractical for a B4 mixed use site. Further, it is demonstrated the proposed development will achieve FSR and height controls and the massing and modulation of the building will not result in adverse any unreasonable loss of amenity to any adjoining properties.</p> <p>The specific areas of non-compliance are:</p> <ul style="list-style-type: none"> • <u>The required Nil separation for the Ground Level [subclause (2)(a)] to the 2 storey residential flat building at No. 21 Crown Street to the west.</u>

	<p>This relates to an inability to meet the adjacent building on the western side, and due to intention to provide an outdoor breakout space for the commercial tenancy.</p> <ul style="list-style-type: none"> • <u>The required 16m separation distance for Level 1 [subclause (3)] to the 1 storey commercial building at No.13 Crown Street to the east (Chiko's).</u> <p>This relates to a minor interface between the units on the eastern side of the site, and the roof of the building adjacent. The interface is approximately 1.2m from the floor of Level 1, with no nearby building interface above.</p> <ul style="list-style-type: none"> • <u>A 20m separation distance for Level 1 [subclause (3)] to the 2 storey residential flat building to the west.</u> <p>The applicant argues that</p> <p>The overall envelope of the building is of an appropriate design and scale which reflects the site's constraints (notably is position adjacent to a 3-storey heritage building) and permissible yield in terms of GFA and building height enabled by WLEP 2009.</p> <p>The separation of podium and tower assist in creating an aesthetic quality which will sit comfortably in its surrounding scale and context, as well as respond to the surrounding developments both historic and newly constructed.</p> <p>It is further suggested that Council has effectively abandoned the building separation standard by consistently varying it in a number of recently approved commercial and mixed-use developments within the city centre</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The objective of clause 8.6 is to <i>ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i></p> <ul style="list-style-type: none"> • <i>Visual appearance:</i> The intent of the zero separation below street frontage height is to maintain a consistent effect along the street. The variations which are sought below street frontage height are minor and will not unreasonably impact on the streetscape as there is no current (or anticipated future) consistent streetscape needing to be maintained. ▪ <i>Solar Access and Privacy:</i> Solar access and privacy are similarly not impacted by the proposed variation to the standard. The side setback and therefore building separation on the western side of the ground floor impacts positively upon the ground floor use by a commercial function providing an outdoor breakout space with solar access, as well as by increasing the natural light captured by this tenancy on the western side. ▪ The provision of a setback to the western boundary acknowledges the need to provide privacy or solar access to the existing two storey residential flat building at No.21 Crown Street to the west, whilst still accommodating a future multi storey development on that site. The proposed separation distance to the west, which is greater than that

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

Clause 8.7 Shops in Zone B4 Mixed Use

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

The ground floor commercial tenancy could potentially be used for a shop or shops. The ground floor commercial space is 243m² and compliance with this standard is achieved.

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

Not applicable.

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

3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. The full table of compliance can be found at Attachment 10 to this report. Proposed variations to controls contained within Chapter D13 – City Centre of WDCP 2009 are discussed below:

2.4 Building depth and bulk

The maximum floor plate sizes and depth of buildings (Residential - outside commercial core) are as follows: max. floor plate size (GFA): 900m² above 12m height; max. building depth (excludes balconies): 18m

The proposed building provides a maximum 900m² floor plate size and 18m building depth for Levels 3 and above. The building is predominantly less than 18m measured at any point in an east/west direction. Only one section at the rear of the building (at Level 3 and above) exceeds 18m depth, at approximately 21m, however at this point windows are provided on both elevations of that section of the building.

Comment: This minor variation is supported as it will not result in adverse impacts.

2.5 Side and rear building setbacks and building separation

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

Zone	Building condition	Minimum side setback	Minimum rear setback
All other zones	Residential uses up to 12m in height		
	- habitable rooms with openings and balconies	6m	6m
	- non-habitable rooms and habitable rooms without openings	3m	4.5m
	Residential uses between 12m & 24m		
	- habitable rooms with openings and balconies	9m	9m
	-non-habitable rooms and habitable rooms without openings	4.5m	4.5m
	Residential uses above 24m		
	- habitable rooms with openings and balconies and up to 45m	12m	12m
	- non-habitable rooms and habitable rooms without openings	6m	6m

Figure 4 - Setback requirements - City Centre

Further, the separation requirements in the DCP relating to residential development are effectively overridden by the *Design Criteria 3F Visual Privacy of the Apartment Design Guide which takes precedence in this regard.*

The required setbacks for the commercial component of the development are as shown in the following table:

Zone	Building condition	Minimum side setback	Minimum rear setback
All other zones	Residential uses up to 12m in height		
	- habitable rooms with openings and balconies	6m	6m
	- non-habitable rooms and habitable rooms without openings	3m	4.5m
	Residential uses between 12m & 24m		
	- habitable rooms with openings and balconies	9m	9m
	- non-habitable rooms and habitable rooms without openings	4.5m	4.5m
	Residential uses above 24m		
	- habitable rooms with openings and balconies and up to 45m	12m	12m
	- non-habitable rooms and habitable rooms without openings	6m	6m
	All residential uses above 45m	14m	14m
	Commercial uses up to 24m	3m	9m
	Commercial uses above 24m	6m	12m

Setbacks of 5.38m are provided from the commercial tenancy to the western boundary. Zero setback provided to the enclosing walls of the ground level carpark.

The applicant is requesting a variation to the non-complying setback with respect to the commercial component of the development. This variation is considered acceptable given that the increased setback provides better amenity for the adjacent residential flat building and the proximity of the site to the coastal foreshore makes provision of a continual streetscape less important.

3.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$21,937,901 and a levy of 2% is applicable under this plan as the threshold value is \$250,000 and the site is located within the city centre.

3.4 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.

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

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

Not applicable

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

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

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

Context and Setting:

The physical impacts of the proposal (i.e. overshadowing, privacy, setbacks, bulk, and scale) on surrounding development are considered acceptable. The proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the locality

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

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

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

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

3.10 CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009, relevant state policies, Council DCPs, Codes and Policies.

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

The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are satisfactorily resolved. Internal referrals are satisfactory, and submissions have been considered in the assessment.

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

4 RECOMMENDATION

It is recommended that development application DA-2020/1292 be approved subject to the conditions contained in **Attachment 11**.

7 ATTACHMENTS

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

ATTACHMENT 1 – Aerial Photo



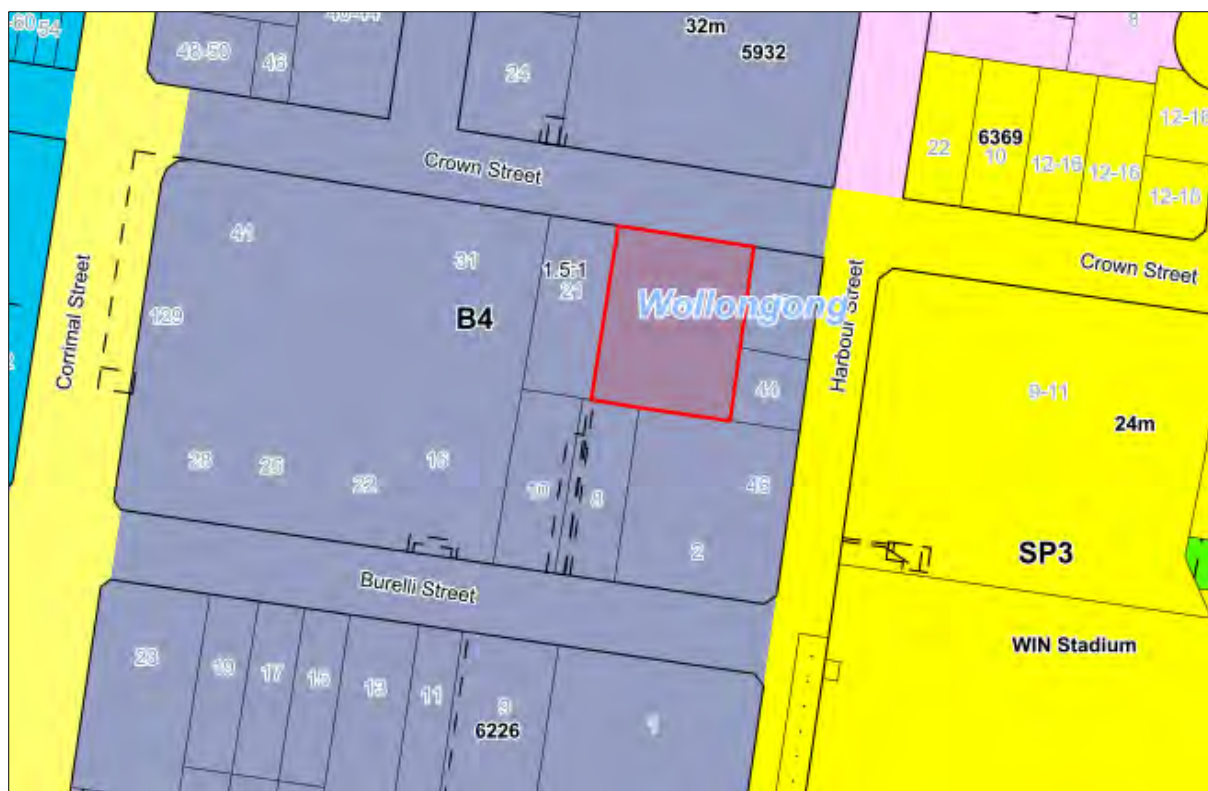
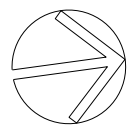


TABLE OF
REDUCED LEVELS

BASEMENT	RL 5.800
GROUND	RL 9.800
MEZZANINE	RL 12.800
LEVEL 1	RL 15.800
LEVEL 2	RL 18.850
LEVEL 3	RL 22.250
LEVEL 4	RL 25.300
LEVEL 5	RL 28.350
LEVEL 6	RL 31.400
LEVEL 7	RL 34.450
LEVEL 8	RL 37.500
LEVEL 9	RL 40.550
LEVEL 10	RL 43.600
LEVEL 11	RL 46.650
LEVEL 12	RL 49.800
ROOF	RL 53.100



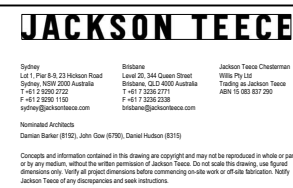
SITE PLAN & ROOF PLAN



TRADERS IN PURPLE



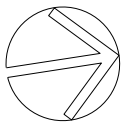
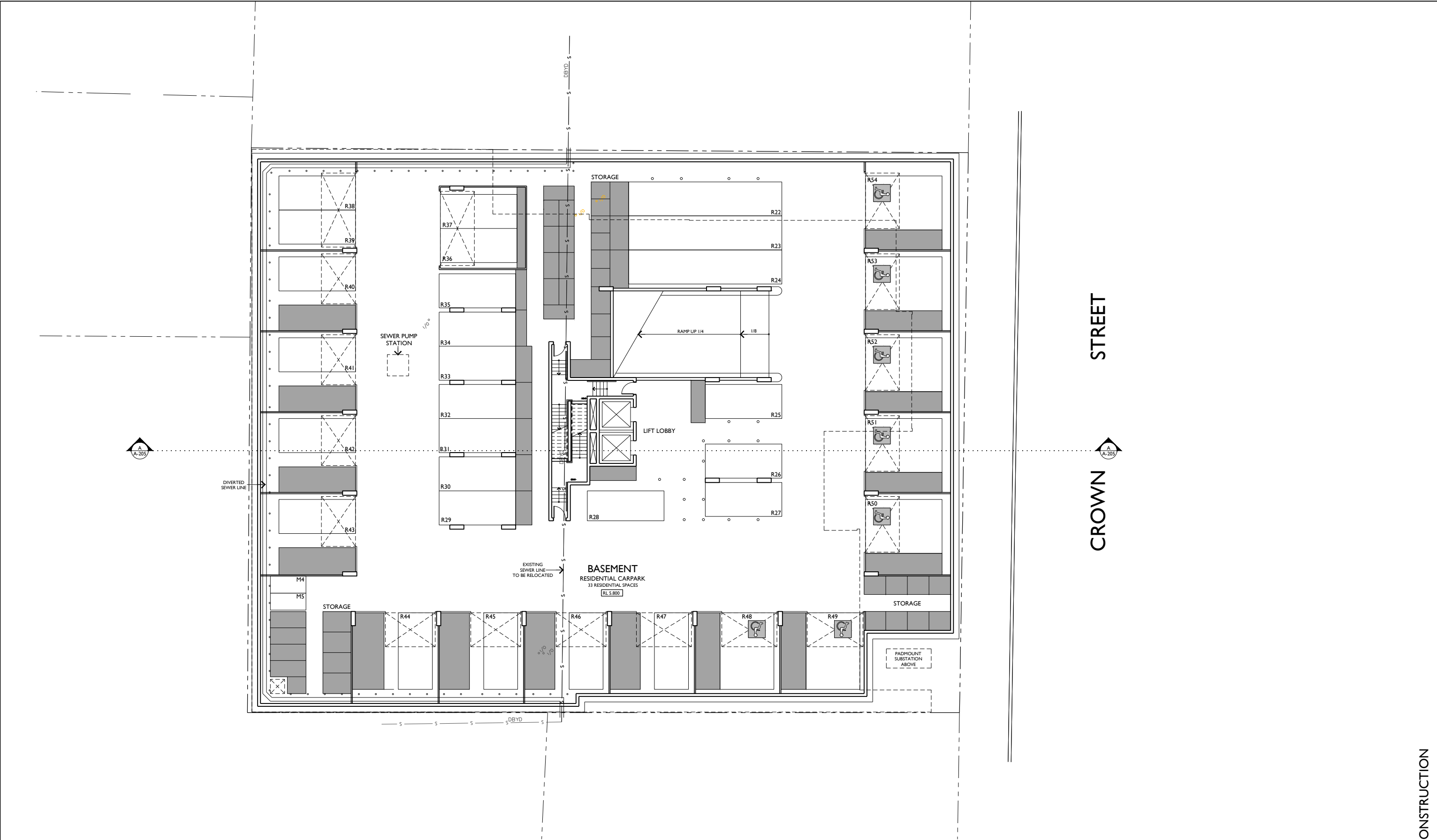
COPYRIGHT - These drawings remain the exclusive copyright of ADM Architects. Reproductions in any form whether electronic, digital or otherwise shall not be allowed except by express permission granted in writing by ADM Architects.
FIGURED DIMENSIONS - These drawings are not to be scaled. Figured dimensions shall be used in all cases.
DISCREPANCIES IN DIMENSIONS/POSITIONS/LOCATIONS/FINISHES The Contractor is to verify any dimensional, location or finish discrepancy with ADM Architects prior to any physical construction or setting out so that ADM Architects is given the opportunity to resolve potential discrepancies or conflicts in sufficient time without causing abortive work. The Contractor shall be responsible for notifying ADM Architects of any such discrepancy or conflict that may arise on site.
CO-ORDINATION OF WORKS - These drawings are to be read in conjunction with the full set of consultant's drawings, specifications, reports and DA conditions.
NOMINATED ARCHITECT - The nominated Architect for ADM Projects (Australia) Pty Ltd T/A ADM Architects is Angelo Di Martino ARB No.7608



Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale 1:125 @ A1 1:250 @ A3
date JUNE 2021
drawn LGD SJ chkd ADM
drawing
DEVELOPMENT APPLICATION
SITE PLAN & ROOF PLAN
Project No. Drawing No. issue
2019-13 A-100 D

NOT FOR CONSTRUCTION



BASEMENT FLOOR PLAN
FLOOR LEVEL RL 5.800

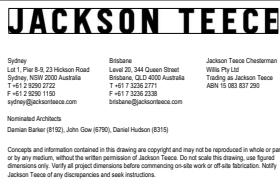
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D	20-05-21	PARKING AMENDED		
C	09-03-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION	initials	chkd

sign _____ date _____
These drawings are not to be scaled. Figured dimensions shall be used in all cases.

TRADERS IN PURPLE



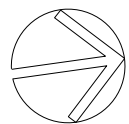
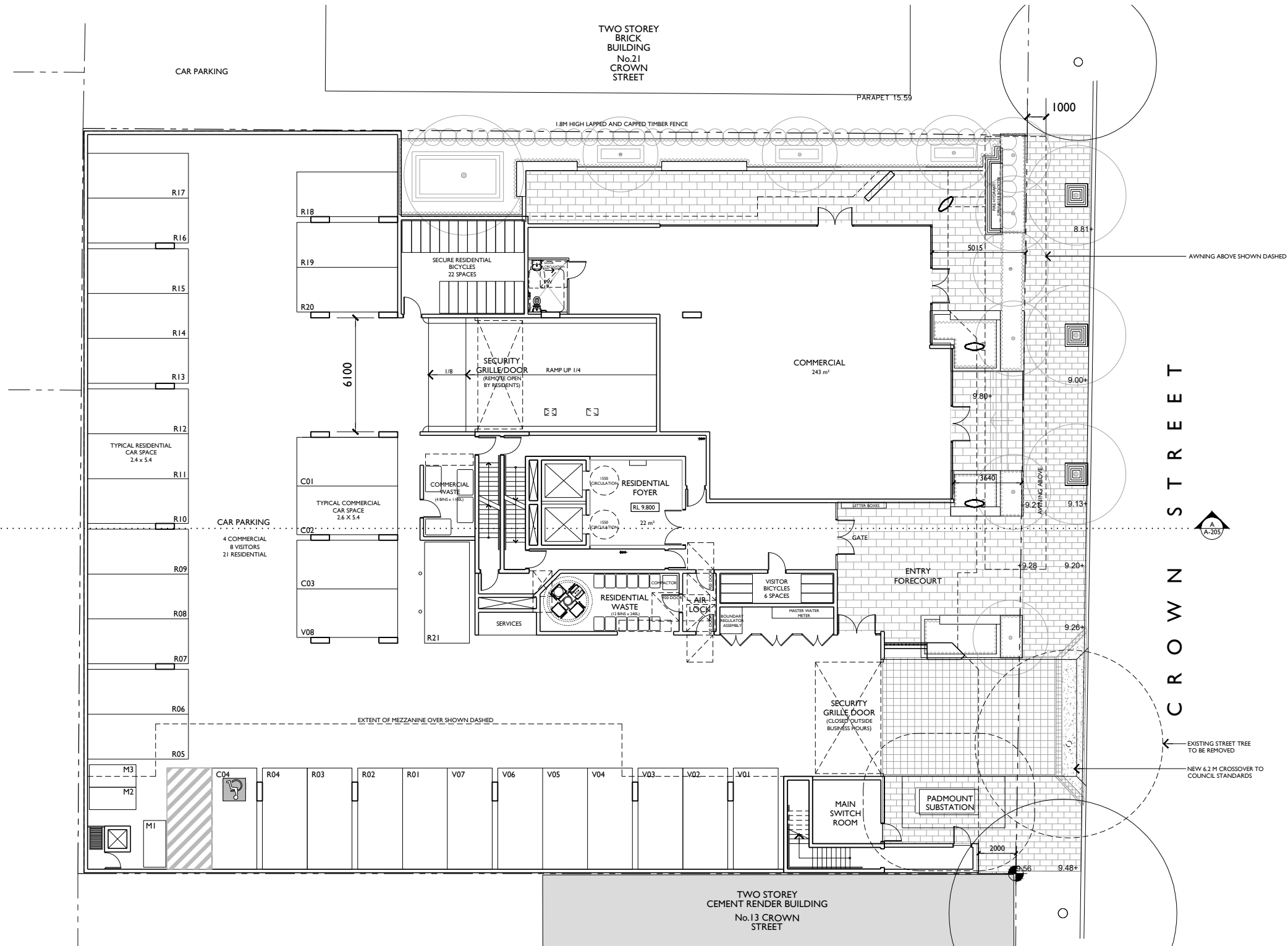
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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	MARCH 2021	
drawn	LGD SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION	
BASEMENT FLOOR PLAN		
Project No.	2019-13	issue E
Drawing No.	A-101	

NOT FOR CONSTRUCTION



GROUND FLOOR PLAN

FLOOR LEVEL **RL 9.800**

NOTE: INTERNAL CHILDCARE LAYOUT INDICATIVE ONLY SUBJECT TO OPERATOR REQUIREMENTS

ISSUE	DATE	DESCRIPTION	initials	chkd
E	24-05-21	PARKING AMENDED		
D	20-05-21	PARKING AMENDED		
C	09-03-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		

sign _____ date _____
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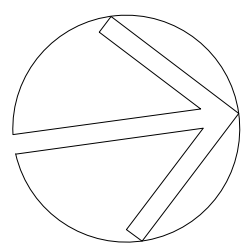
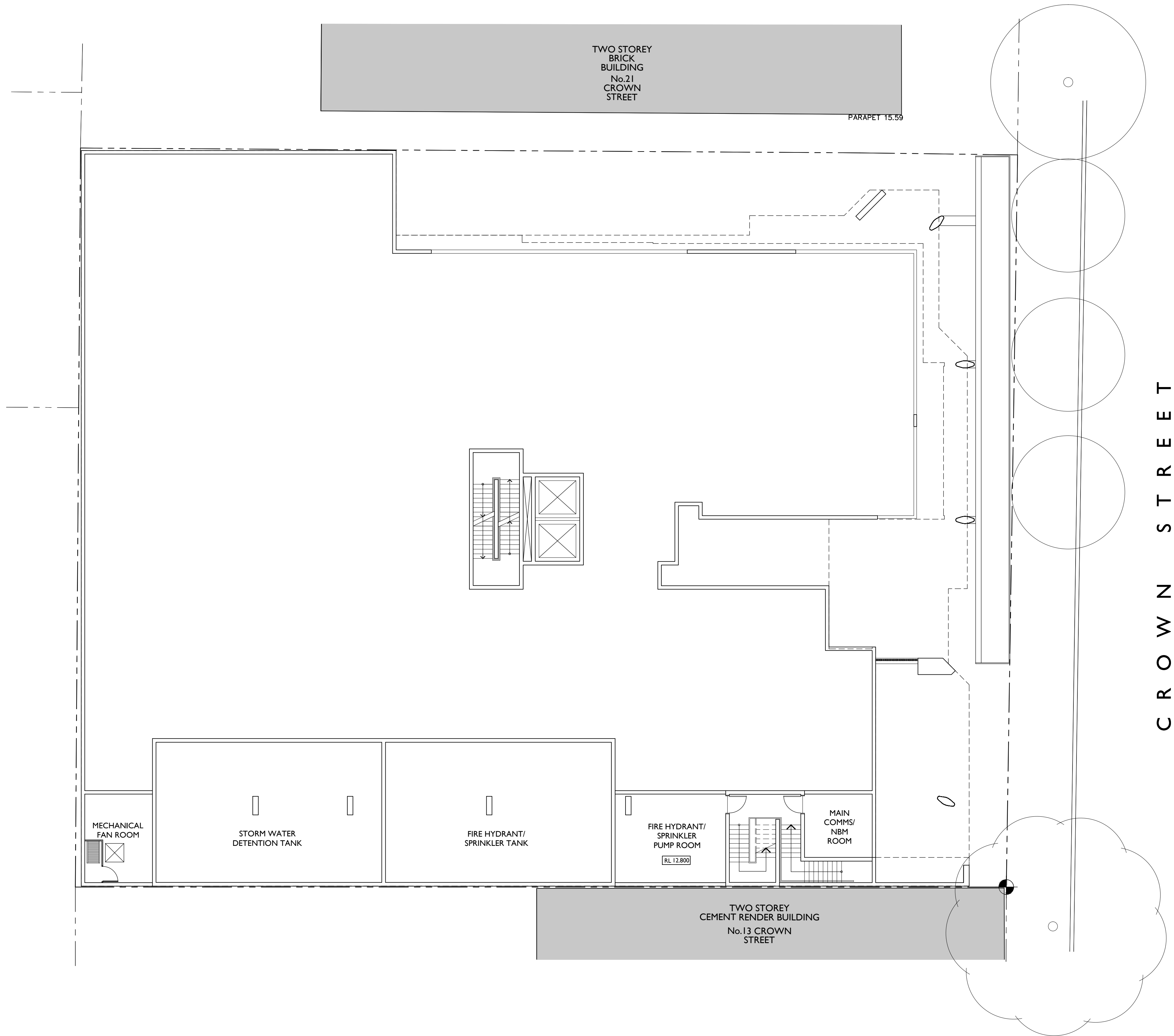
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Jackson Teece Cheeseman
Wendy Pyle
Trading as Jackson Teece
ABN 15 661 877 292

Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale 1:125 @ A1 1:250 @ A3
date **MARCH 2021**
drawn **LGD SJ** chkd **ADM**
drawing
DEVELOPMENT APPLICATION
GROUND FLOOR PLAN
Project No. **2019-13** Drawing No. **A-102** issue **E**

NOT FOR CONSTRUCTION



MEZZANINE PLAN

D C B A	24-05-21	AMENDED FOR DA		
	09-03-21	AMENDED FOR DA		
	16-10-20	ISSUED FOR DA		
	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION	initials	chkd
sign			date	
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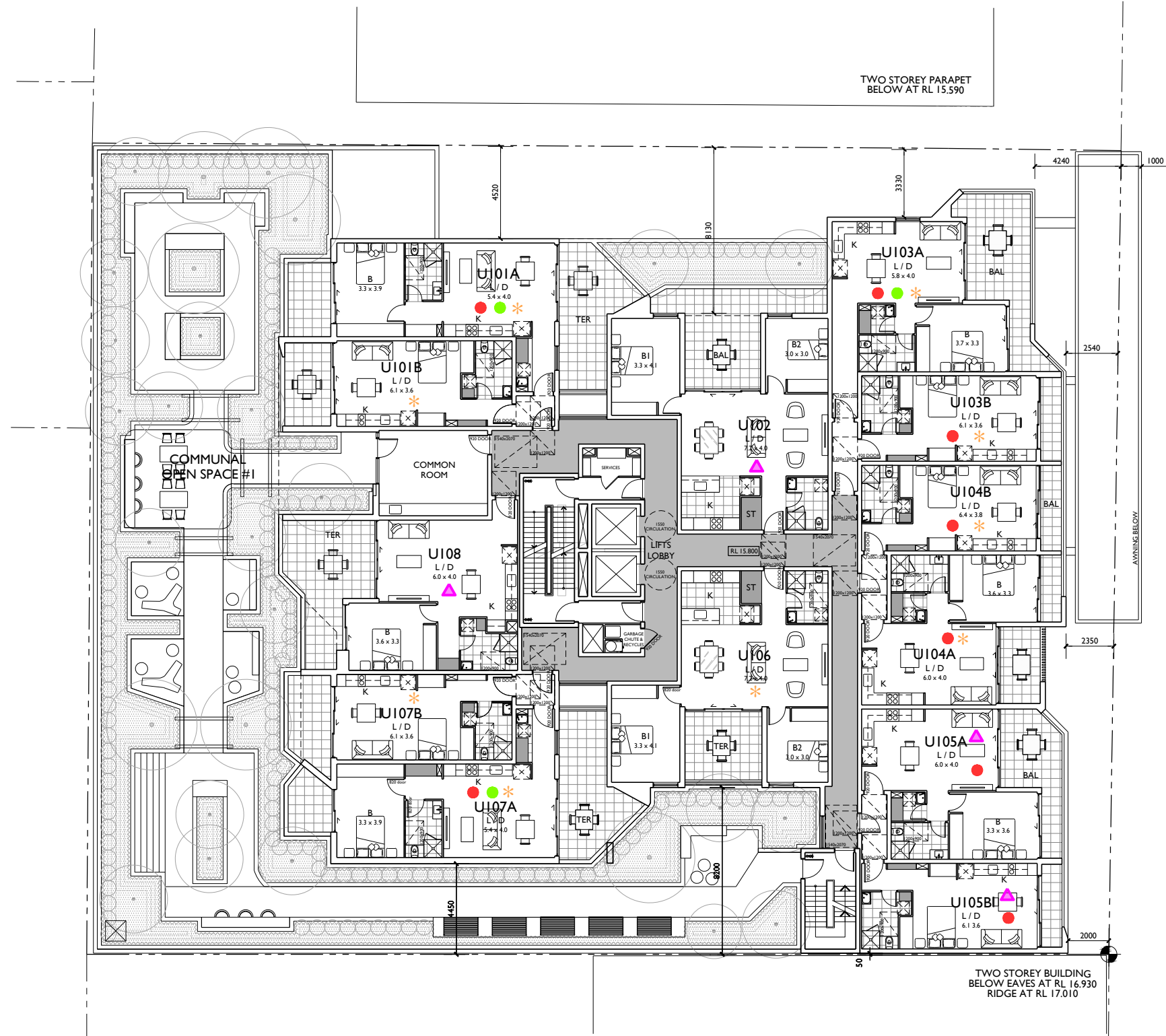
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Nominated Architects
Darren Barker (0192), John Cox (0790), Daniel Hudson (0515)

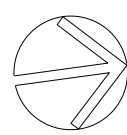
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Project COMMUNITIES PLUS for TRADERS IN PURPLE at 15-19 CROWN STREET WOLLONGONG	scale	I:125 @ A1	I:250 @ A3
	date	MARCH 2021	
	drawn	LGD SJ	chkd ADM
	drawing	DEVELOPMENT APPLICATION	
Project No. 2019-13	MEZZANINE PLAN		issue
	Drawing No.		D
	A-103		

NOT FOR CONSTRUCTION



CROWN STREET



LEVEL I FLOOR PLAN

LEVEL I

RL 15.800

LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION
- SOCIAL HOUSING
- AFFORDABLE HOUSING

ISSUE	DATE	DESCRIPTION	INITIALS	CHKD
D	24-05-21	AMENDED FOR DA		
C	09-03-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-09-20	ISSUED DA CONCEPT FOR LAHC REVIEW		

sign _____ date _____
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TRADERS IN PURPLE



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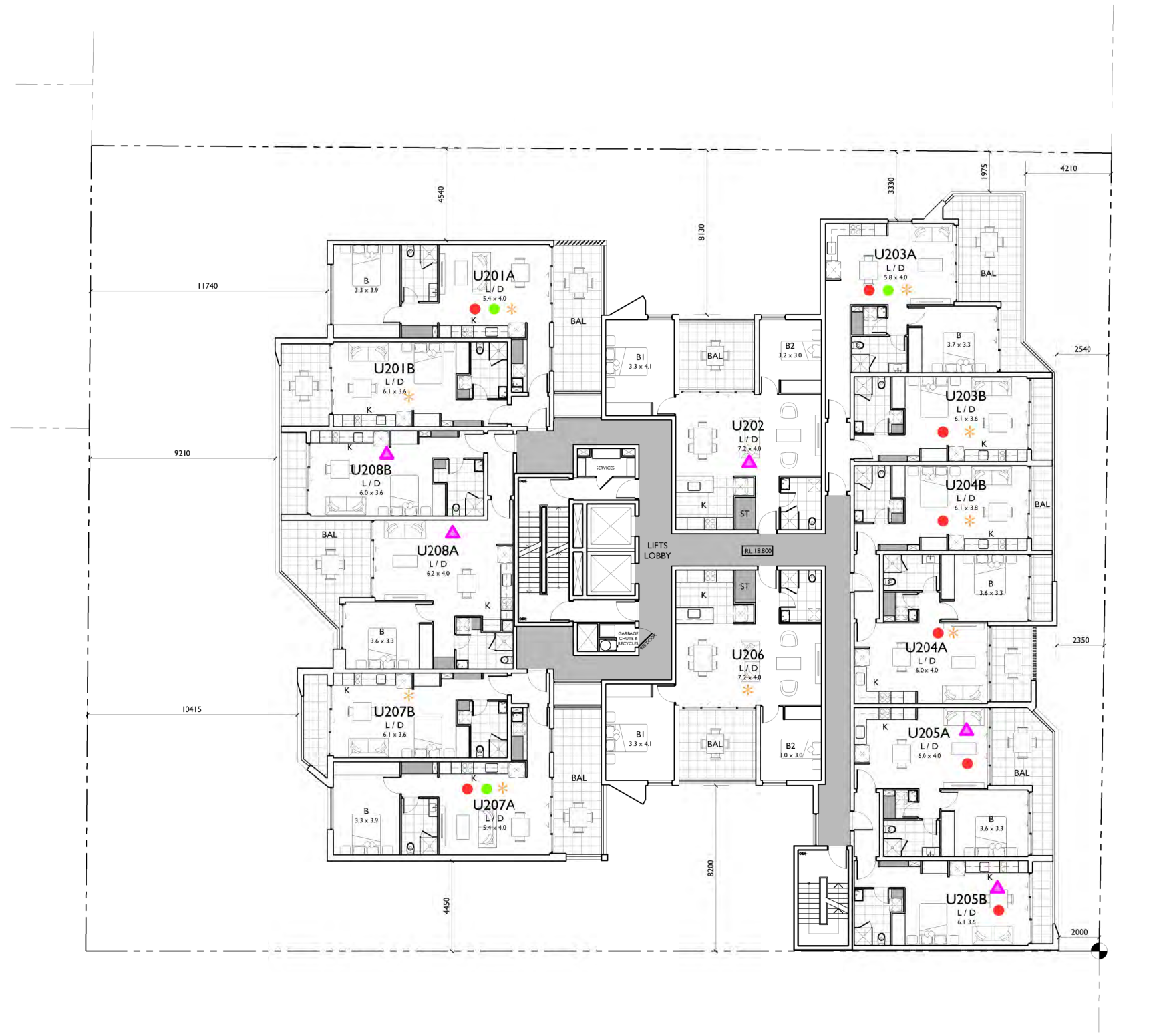


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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	MARCH 2021	
drawn	LGD SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION	
LEVEL I FLOOR PLAN		
Project No.	2019-13	Drawing No. A-104
issue		D

NOT FOR CONSTRUCTION



CROWN STREET



LEVEL 2 FLOOR PLAN

LEVEL 2

RL 18.850

LEGEND

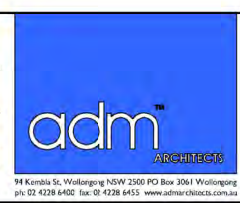
- SUNLIGHT ACCESS
- CROSS VENTILATION
- ✱ SOCIAL HOUSING
- ▲ AFFORDABLE HOUSING



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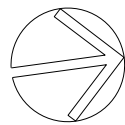
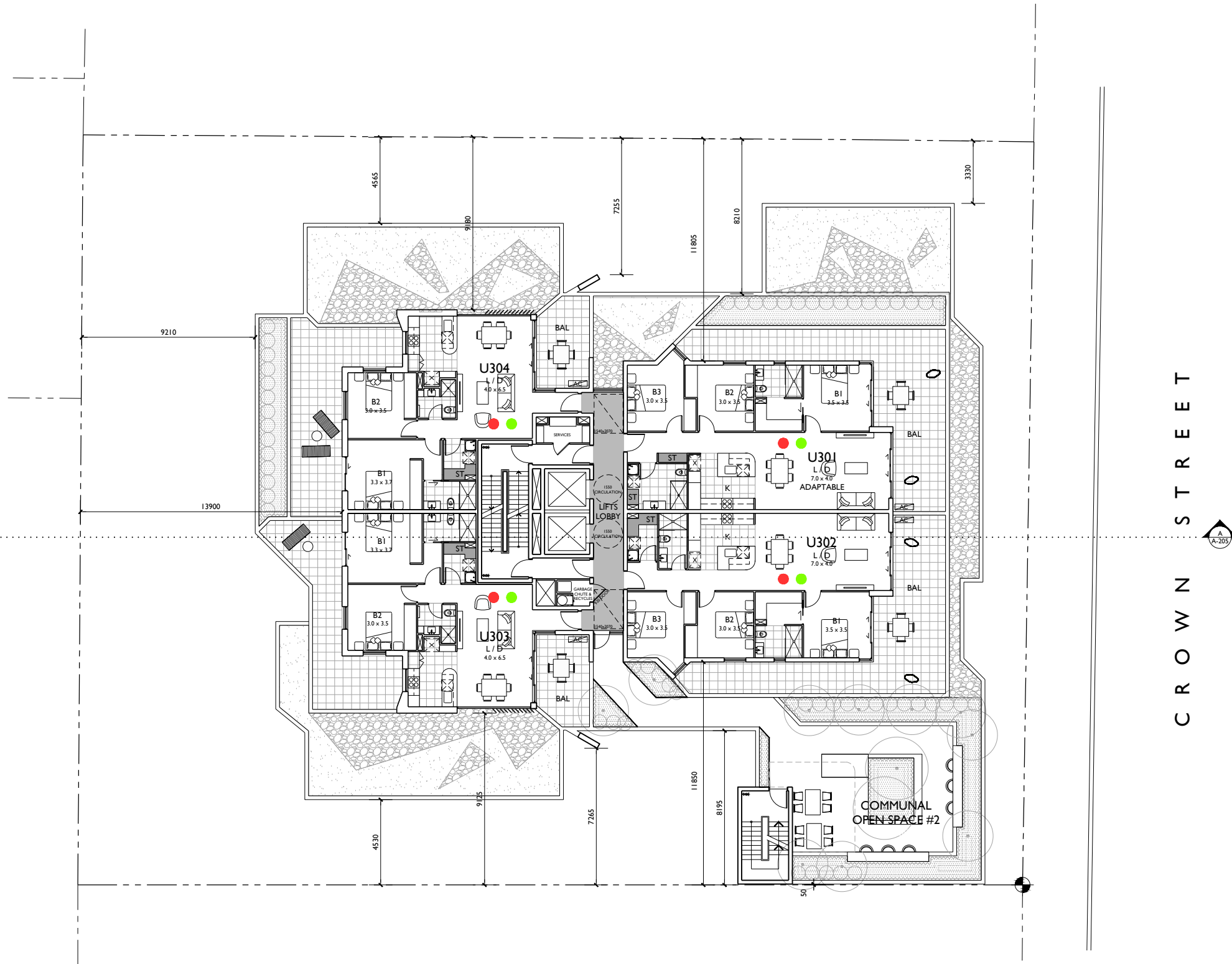
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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	OCTOBER 2020	
drawn	LGD SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION	
	LEVEL 2 FLOOR PLAN	
Project No.	2019-13	Drawing No. A-105
issue	B	

sign	date	initials	chkd
16-10-20	21-08-20		
ISSUE	DATE	DESCRIPTION	
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LEVEL 3 FLOOR PLAN

LEVEL 3 RL 22.250

LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION



TRADERS IN PURPLE



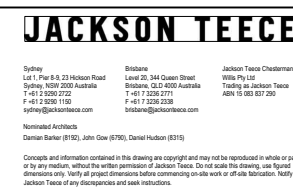
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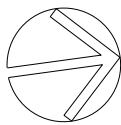
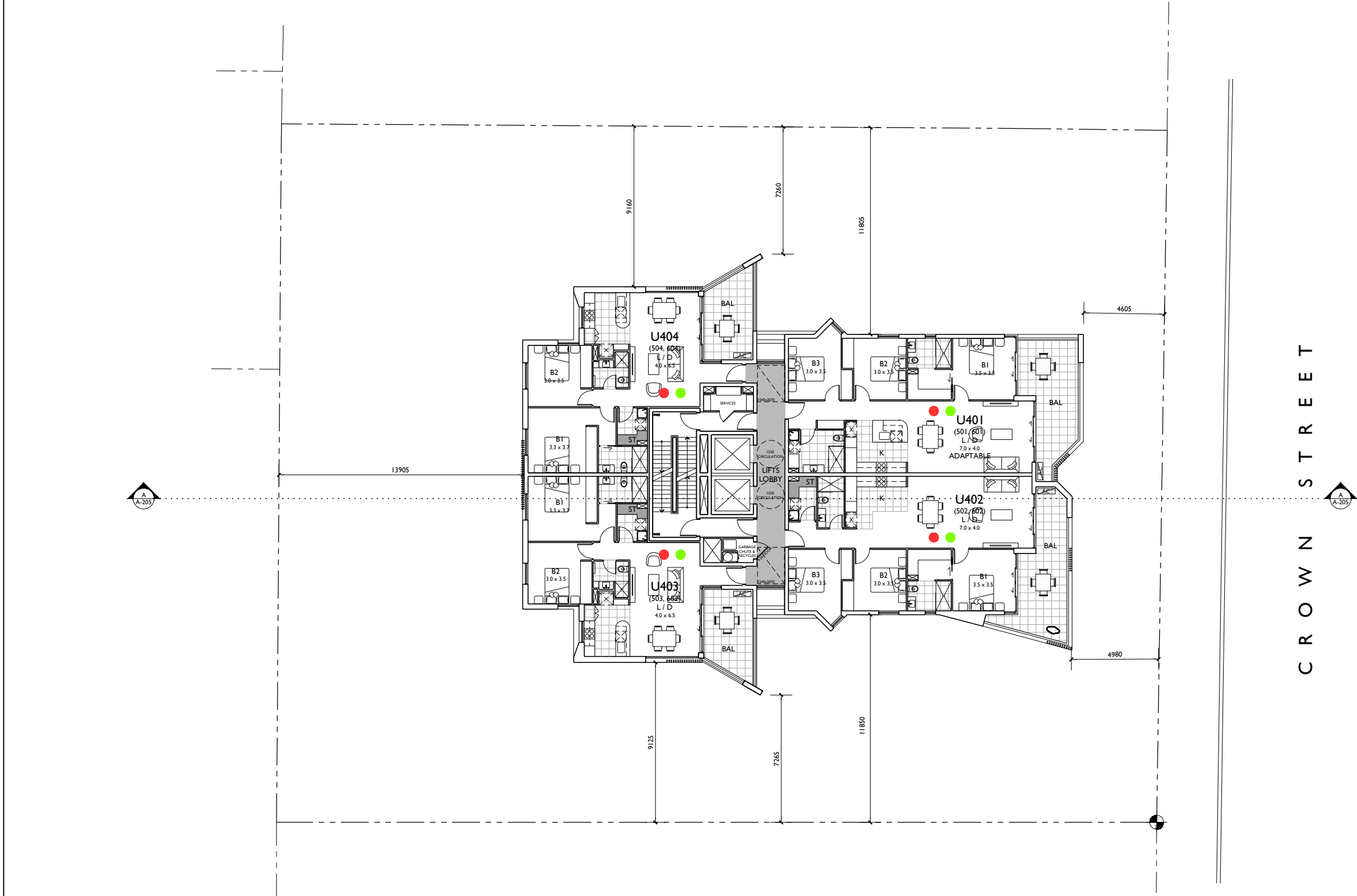
Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale 1:125 @ A1 1:250 @ A3
date JUNE 2021
drawn LGD SJ chkd ADM
drawing
DEVELOPMENT APPLICATION
LEVEL 3 FLOOR PLAN
Project No. Drawing No. issue
2019-13 A-106 D

ISSUE	DATE	DESCRIPTION	initials	chkd
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B	16-10-20	ISSUED FOR DA		
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LEVEL 4-6 FLOOR PLAN

LEVEL 4	RL 25.300
LEVEL 5	RL 28.350
LEVEL 6	RL 31.400

LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION



TRADERS IN PURPLE



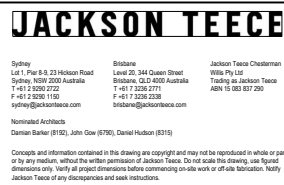
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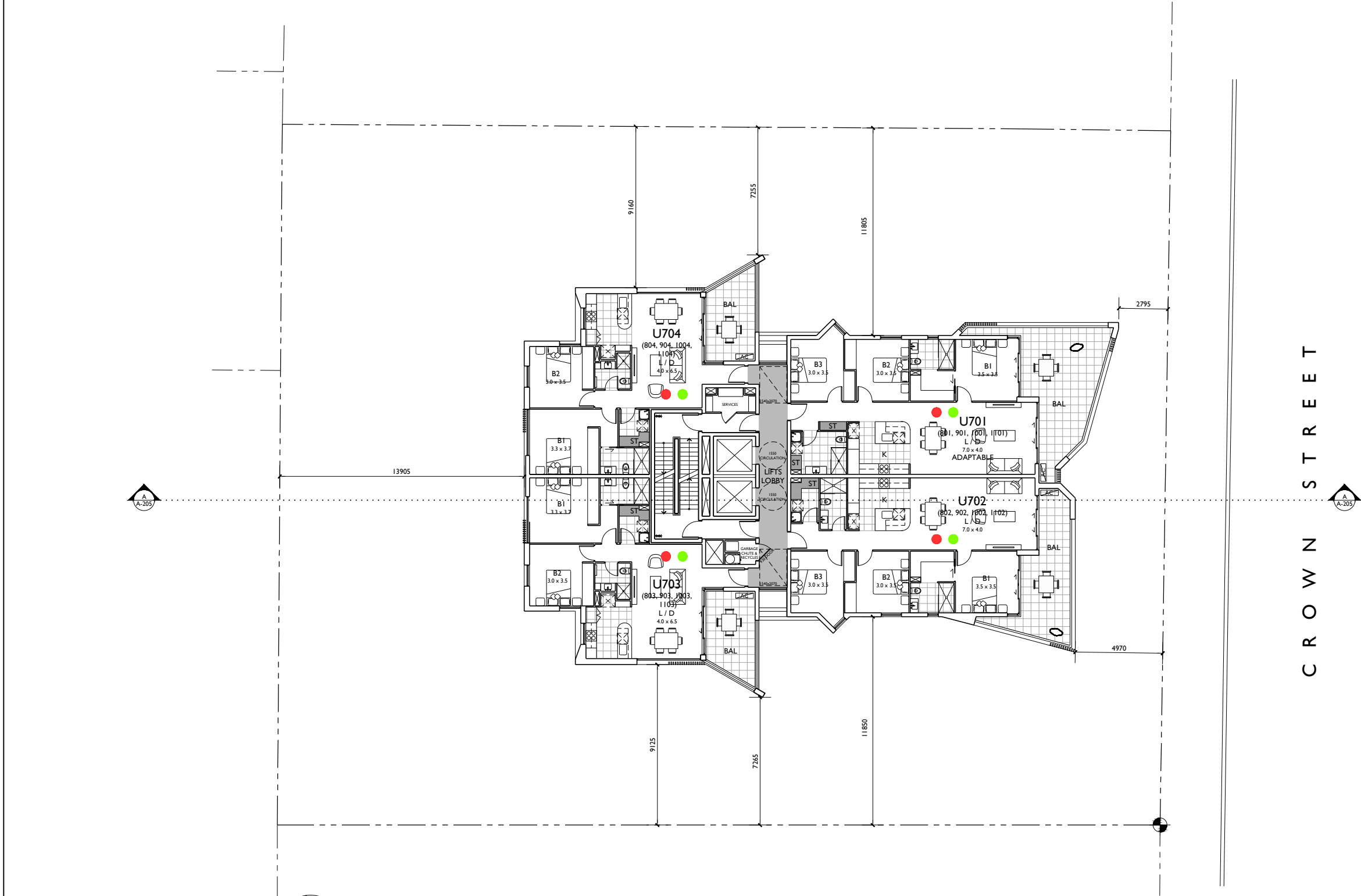
Project
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for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale 1:125 @ A1 1:250 @ A3
date JUNE 2021
drawn LGD SJ chkd ADM
drawing
DEVELOPMENT APPLICATION
LEVEL 4-6 FLOOR PLAN
Project No. Drawing No. issue
2019-13 A-107 C

C	22-06-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION	initials	chkd
sign	date			

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LEVEL 7-11 FLOOR PLAN

LEVEL 7	RL 34.450
LEVEL 8	RL 37.500
LEVEL 9	RL 40.550
LEVEL 10	RL 43.600
LEVEL 11	RL 46.650

LEGEND

- SUNLIGHT ACCESS
- CROSS VENTILATION

C	22-06-21	AMENDED FOR DA
B	16-10-20	ISSUED FOR DA
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW
ISSUE	DATE	DESCRIPTION

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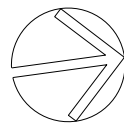
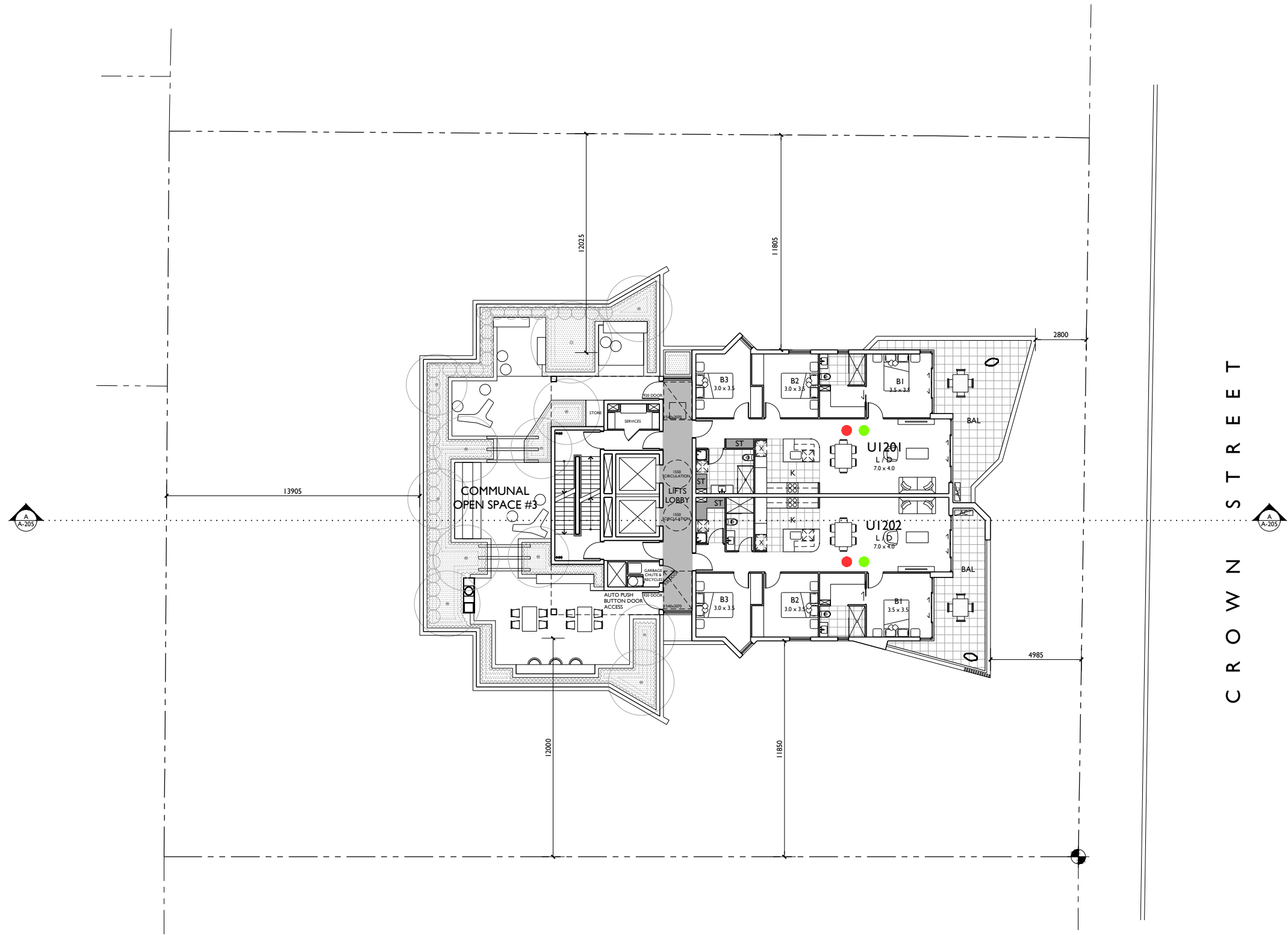
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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale 1:125 @ A1 1:250 @ A3
date JUNE 2021
drawn LGD SJ chkd ADM
drawing
DEVELOPMENT APPLICATION
LEVEL 7-11 FLOOR PLAN
Project No. Drawing No. issue
2019-13 A-108 C

NOT FOR CONSTRUCTION



LEVEL 12 FLOOR PLAN

LEVEL 12 RL 49.800

- LEGEND
- SUNLIGHT ACCESS
 - CROSS VENTILATION



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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale 1:125 @ A1 1:250 @ A3
date JUNE 2021
drawn LGD SJ chkd ADM
drawing DEVELOPMENT APPLICATION
LEVEL 12 FLOOR PLAN
Project No. Drawing No. issue
2019-13 A-109 D

ISSUE	DATE	DESCRIPTION	initials	chkd
D	22-06-21	AMENDED FOR DA		
C	09-03-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		

sign _____ date _____
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EAST ELEVATION

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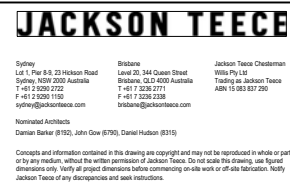
C B A	08-06-21	AMENDED FOR DA	initials	chkd
	16-10-20	ISSUED FOR DA		
	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION		
sign		date		
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Project
COMMUNITIES
PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET
WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	JUNE 2021	
drawn	AT SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION	
EAST ELEVATION		
Project No.	Drawing No.	issue
2019-13	A-202	C



NORTH ELEVATION
CROWN STREET ASPECT

NOT FOR CONSTRUCTION

C	08-06-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION	initials	chkd
sign			date	
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Nominated Architects
Darren Barker (B102), John Giew (B170), Daniel Hudson (B110)

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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	JUNE 2021	
drawn	AT SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION	
	NORTH ELEVATION	
Project No.	Drawing No.	issue
2019-13	A-201	C



SOUTH ELEVATION

NOT FOR CONSTRUCTION

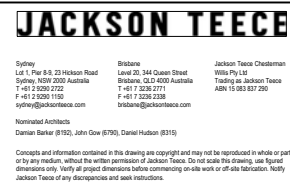
C	08-06-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION	initials	chkd
sign		date		
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NOMINATED ARCHITECT - The nominated Architect for ADM Projects (Australia) Pty Ltd T/A ADM Architects is Angelo Di Martino ABB No.7608



Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	JUNE 2021	
drawn	AT SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION	
	SOUTH ELEVATION	
Project No.	2019-13	Drawing No. A-203
issue		C



WEST ELEVATION

NOT FOR CONSTRUCTION

C	08-06-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		
ISSUE	DATE	DESCRIPTION	initials	chkd
sign		date		
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Nominated Architects
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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	1:125 @ A1	1:250 @ A3
date	JUNE 2021	
drawn	AT SJ	chkd ADM
drawing	DEVELOPMENT APPLICATION WEST ELEVATION	
Project No.	Drawing No.	issue
2019-13	A-204	C

[Rev#]	[Description]	[Date]
1	DEVELOPMENT APPLICATION	05.03.2021
2	DEVELOPMENT APPLICATION	31.05.2021

LEGEND:

- Site Boundary
- Basement Extents
- Existing tree to be retained and protected (Significant Trees Numbered as per Arborists Report)
- Tree Protection Zone - Refer to Arborists Report
- Tree removed - Refer to Arborists Report
- Existing levels: refer to site survey
- Proposed nominal design levels: refer to engineers drawings
- Proposed trees - refer to planting schedule
- Proposed planting - refer to planting schedule
- Raised planter area - Planter Depths to ADG standards
- P1 Paving type 1: To public domain to Council standards
- P2 Paving Type 2: To Driveways to Council standards
- P3 Paving Type3 : Granite tiles to match public domain
- TD Hardwood Timber Deck
- SE Seating to Council standards
- BN Bin to Council standards
- BR Bike Racks to Council standards

General Notes:

For Site levels and architectural information refer to Civil and Architects drawings respectively.

For courtyard and overflow drainage refer to Hydraulic engineers drawings

All trees to be retained and are subject to tree protection & management in accordance with relevant Australian standards.

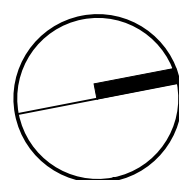
External Lighting and electrical : refer to engineers details.

Contractor to protect all landscape works during construction including but not exclusive to existing verge.

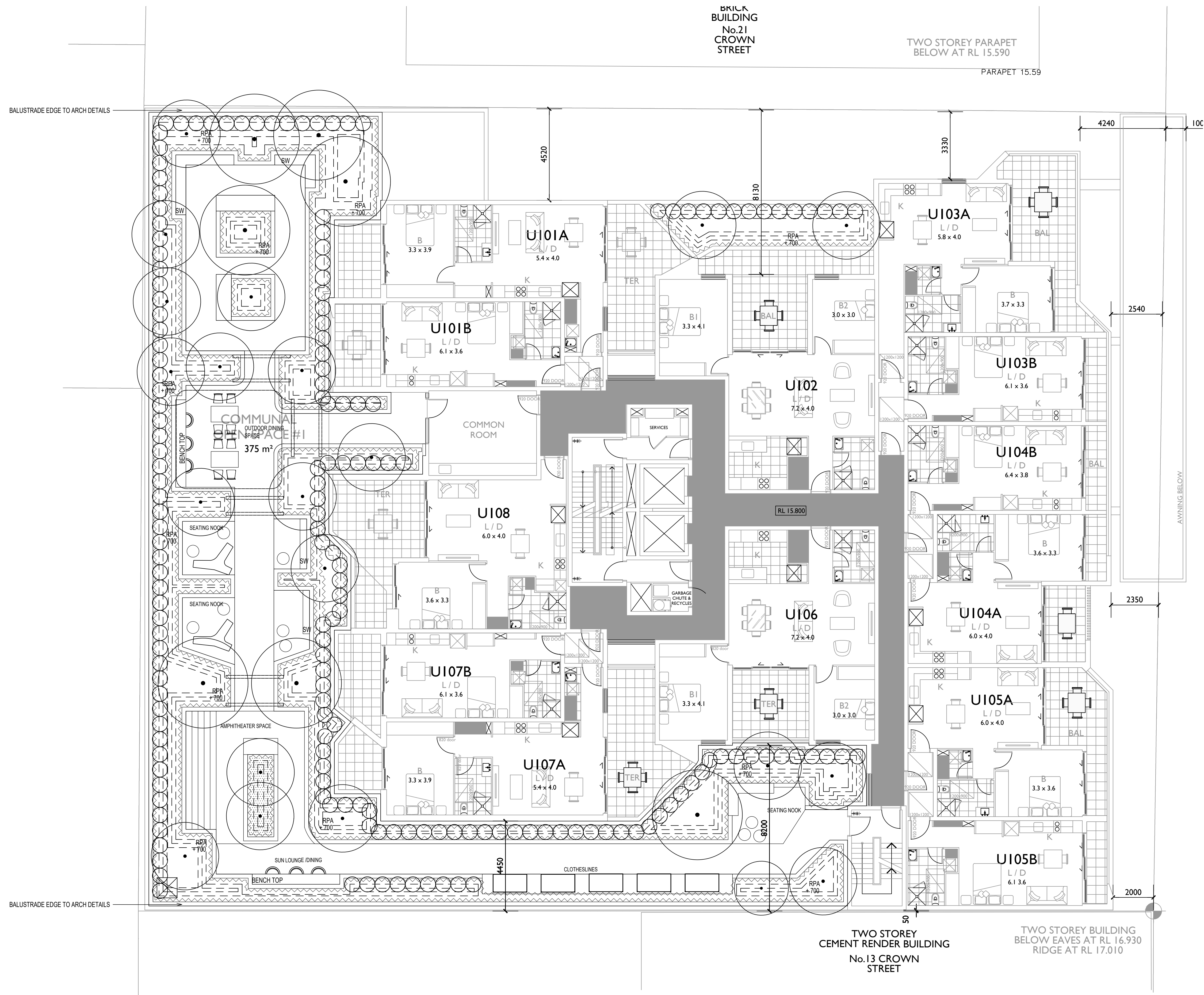
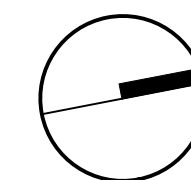
Levels general : contractor to ensure positive drainage to all pavements, turf and planter areas, install subsoil drainage to planter areas as required.

FOR TREE REMOVAL & RETENTION - PLEASE REFER TO ALLIED TREE CONSULTANCY JULY 2020

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION



[Status] DEVELOPMENT APPLICATION

[Nom. Architect]

2021004_LD DA 200 [1].DWG

[Print Date] MAY 2021

History

[Rev#]	[Description]	[Date]
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2	DEVELOPMENT APPLICATION	31.05.2021

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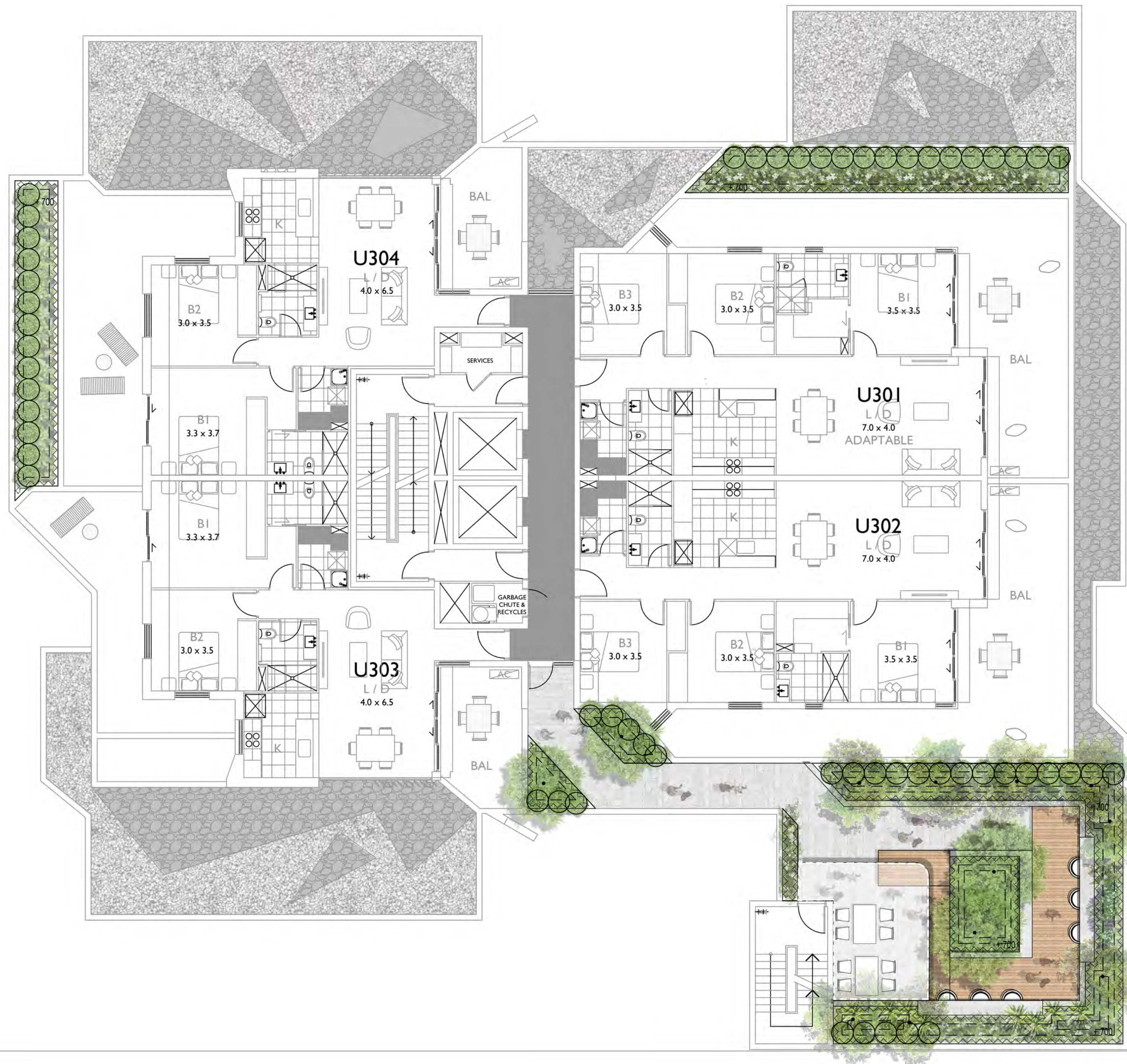
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CROWN STREET

LEGEND:

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- Basement Extents
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Levels general : contractor to ensure positive drainage to all pavements, turf and planter areas, install subsoil drainage to planter areas as required.

NOT FOR CONSTRUCTION

LAND [FORM] STUDIOS

401- 11A Lachlan St , Waterloo NSW 2017 Australia
charlieroobinson.la@gmail.com 04057571831

[Project] COMMUNITIES PLUS 15-19 CROWN ST WOLLONGONG
[Client] TRADERS IN PURPLE



0 1 2 3 4 5
[Scale] 1 : 100 @ A1

LEVEL 3 LANDSCAPE PLAN

[Ref] 2021004 [Dwg No] LD DA300 1



CROWN STREET

LEGEND:

- Site Boundary
- Basement Extents
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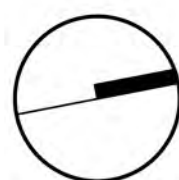
Levels general : contractor to ensure positive drainage to all pavements, turf and planter areas, install subsoil drainage to planter areas as required.

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[Project] COMMUNITIES PLUS 15-19 CROWN ST WOLLONGONG
[Client] TRADERS IN PURPLE



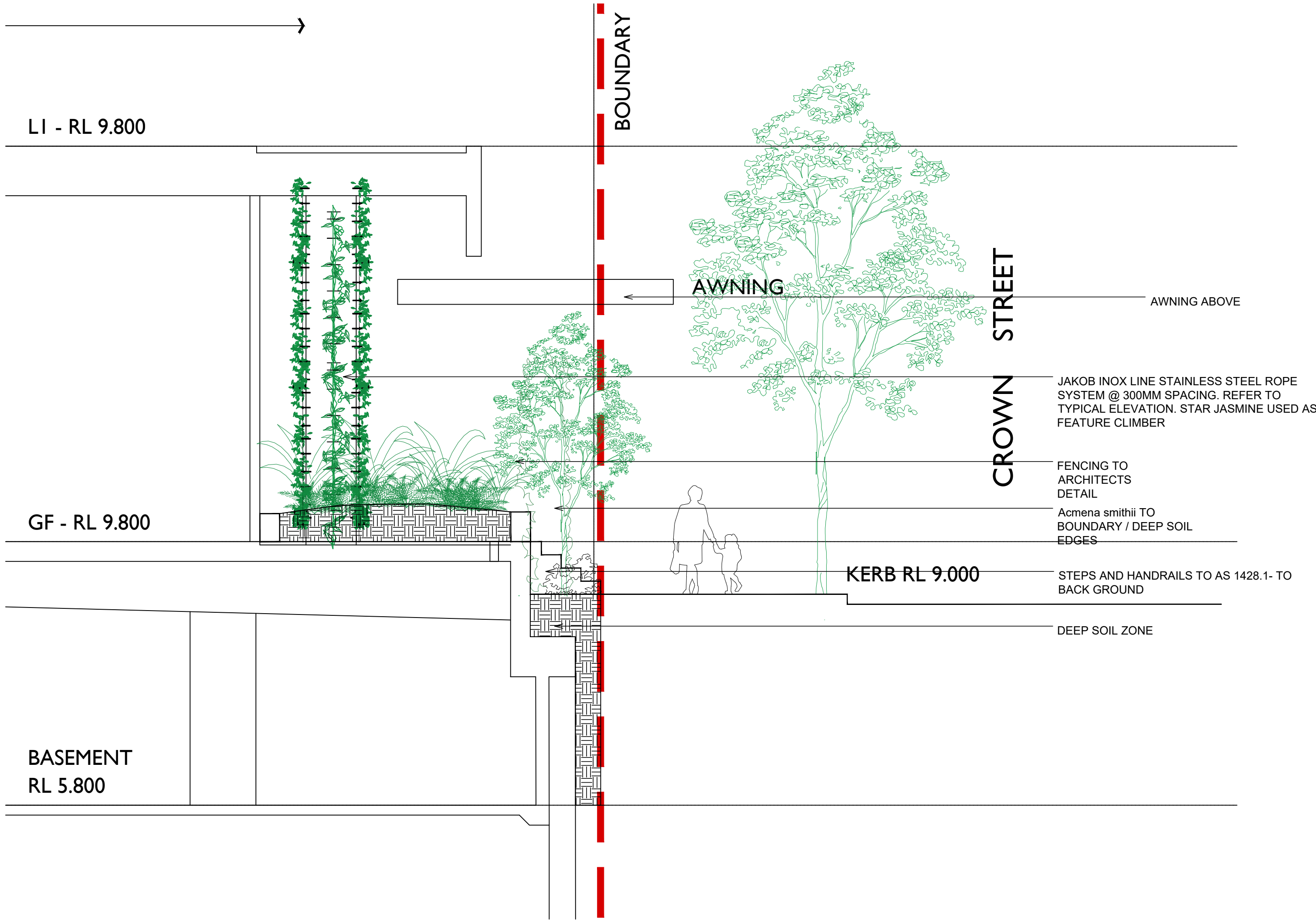
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[Scale] 1 : 100 @ A1

LEVEL 12 LANDSCAPE PLAN

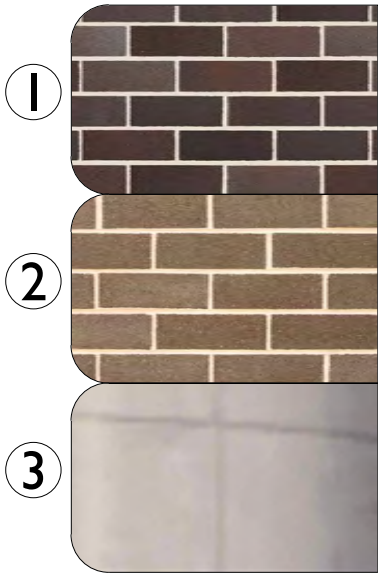
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History		
[Rev#]	[Description]	[Date]
1	DEVELOPMENT APPLICATION	05.03.2021
2	DEVELOPMENT APPLICATION	31.05.2021



SECTION AA - 1:50 @ A1

NOT FOR CONSTRUCTION



AUSTRAL
BOWRAL BLUE
WALLING

AUSTRAL
MURRAY GREY
WALLING

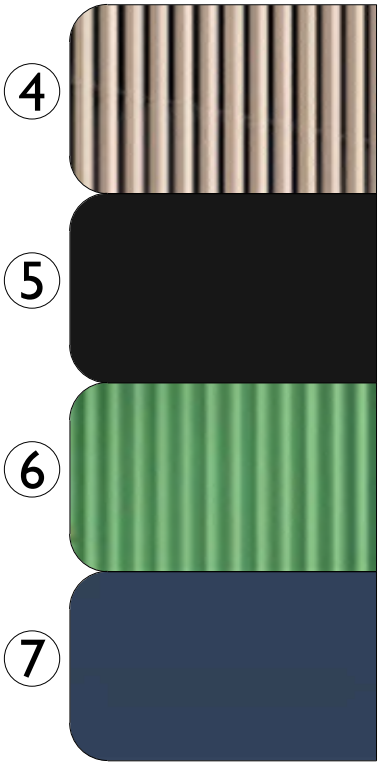
OFF FORM
CONCRETE
WALLING, COLUMNS
AND SLABS



* SILVER LETTERING CUTOUT ON BLACK BACKGROUND

SIGNAGE

- SIGNAGE **A** RESIDENTIAL - LOCATED ON AWNING
(300 HIGH x 1800 LONG)
- SIGNAGE **B** RESIDENTIAL - LOCATED ABOVE LETTERBOXES
(900 HIGH x 900 LONG)
- SIGNAGE **C** COMMERCIAL - LOGO LOCATED ON AWNING
(300 HIGH x 1800 LONG)



POWDERCOAT
BRONZE
SCREENS AND BATTENS

DULUX DURATEC
POWDERCOAT
MONUMENT
DOOR AND WINDOW
FRAMES, SCREENS AND
HANDRAILS

FEATURE
PANELLING

GREY TINTED
GLAZING
GLAZING ELEMENTS

NOT FOR CONSTRUCTION

ISSUE	DATE	DESCRIPTION	initials	chkd
E	30-08-21	AMENDED FOR DA		
D	08-06-21	AMENDED FOR DA		
C	09-03-21	AMENDED FOR DA		
B	16-10-20	ISSUED FOR DA		
A	21-08-20	ISSUED DA CONCEPT FOR LAHC REVIEW		

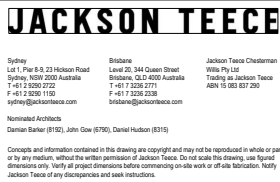
sign date
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Project
COMMUNITIES PLUS
for
TRADERS IN PURPLE
at
15-19 CROWN STREET WOLLONGONG

scale	NTS
date	AUGUST 2021
drawn	SJ chkd ADM
drawing	DEVELOPMENT APPLICATION
COLOUR AND MATERIALS SCHEDULE	
Project No.	2019-13
Drawing No.	A-501
issue	E

ATTACHMENT 4

PRE-LODGEEMENT NOTES – PL-2020/127

Meeting held 16 September 2020

Property:	15-19 Crown Street WOLLONGONG NSW 2500 Lot 1 DP 87188	
Proposal:	Proposed Mix Use Development including 12 storey residential flat building containing 27 social/affordable housing units, 38 residential units and childcare centre above one level of basement parking.	
Attendees:	Council:	Nigel Lamb – Acting Manager, City Centre Brad Harris – Development Project Officer Charlie Bevan – Traffic Engineer Mathew Carden – Stormwater Development Engineer Danielle Pollock - Landscape Architect
Note: meeting held via MS Teams due to COVID 19 precautions	Proponent:	Charlie Daoud – Traders In Purple Thomas Zhun – Traders In Purple Angelo Di Martino – ADM Architects John Gow – JacksonTeece Architects Damian Barker – JacksonTeece Architects Nadine Paige – Cardno Planning Tracey Whiteman – Ochre Landscape Architects Stephen Faulkner – Jones Nicholson Engineering Adam Bower – Land and Housing Corporation Craig Smith – Land and Housing Corporation Luis Valarezo - Land and Housing Corporation

Proposal/Project Overview:

Proposed Mix Use Development including 12 storey residential flat building containing 27 social/affordable housing units, 38 residential units and child care centre above one level of basement parking.

Meeting Outcomes Summary:

The matters raised in these Notes should be read in conjunction with the comments of the Design Review Panel following its appraisal of the concept design considered at its meeting held on 14 September 2020.

The main issues identified at the Pre-Lodgement Meeting held on 16 September 2020 are summarised as follows:

- Non-compliance with WLEP 2009 Clause 8.6 – Building Separation
- Non-compliance with WDCP 2009 Chapter D13 - 2.2 Building to street alignment and street setbacks.

- Compatibility of street activation controls and child care centre privacy requirements.
- Relationship / compatibility of outdoor child play area with existing and potential future development on adjoining land.
- Relationship of car parking and entry to child care centre resulting in potentially unsafe access
- Location and design, functionality and amenity of common open space areas
- Modelling of potential future development on adjoining sites with respect to commercial and residential setback/separation requirements.

Planning:

Site information/constraints:

- Council records indicate that the site is classified as containing Class 5 acid sulphate soils.
- There are no restrictions on the title.

A Section 10.7 Certificate should be obtained to clarify details on any constraints affecting the proposed development site. All relevant site constraint reports should be included within the Statement of Environmental Effects.

- **10.7 (2) Certificate** - Provides information about the zoning of the property, the relevant state, regional and local planning controls and other planning affectations such as heritage, land contamination and road widening; and
- **10.7 (2) and (5) Certificate** - Provides additional advice regarding demolition, foreshore building lines, other heritage considerations and general advice.

All relevant site constraint reports should be included within the Statement of Environmental Effects (SEE) to be submitted with the Development Application (DA).

Relevant Environmental Planning Instruments

The provisions of all relevant Environmental Planning Instruments and applicable chapters of the Development Control Plan must be addressed within the SEE.

The relevant Environmental Planning Instruments and Development Control Plans are:

- Wollongong Local Environmental Plan 2009 (WLEP 2009)
- Wollongong Development Control Plan 2009 (WDCP 2009)
- Wollongong City-Wide Development Contributions Plan 2019
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

- The SEE must include a full assessment against the requirements of this policy and also include a compliance report for the Child Care Planning Guideline. The plans must accurately illustrate all the necessary components.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

- Under Clause 7 of the SEPP, a consent authority is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent.
- The SEE will be required to address all of the applicable provisions of the SEPP. A preliminary assessment should be conducted in order to determine whether there were any current or historical land uses that may have contributed to land contamination.
- If any contaminating land uses identified in the preliminary assessment, a more detailed contamination assessment will be required in order to determine presence and extent of contamination and whether any remediation works are required in order to make the site suitable for the proposed use.

State Environmental Planning Policy (Building Sustainability Index: BASIX)

- The applicant must address any requirements of the SEPP within the SEE. The development plans must reflect the commitments outlined in the BASIX certificate.

Wollongong Local Environmental Plan 2009 (WLEP 2009)

The site is zoned B4 Mixed Use under the provisions of WLEP 2009. The proposed development comprises a Residential Flat Building and Centre-based child care facility (as defined in the Dictionary of WLEP 2009). Both uses are permissible with consent in the B4 Zone and the overall development is best described as a mixed use development as defined in WLEP 2009. It must be demonstrated that the proposed development is compatible with the B4 zone objectives.

A comprehensive SEE addressing all relevant clauses of WLEP 2009 is to be submitted. The following specific clauses are of relevance:

- *Clause 4.3 Height of buildings* - the maximum permitted height for the site is 45 metres. All elements of the proposal must be within the 45m height plane and the overall height should be clearly identified on the elevations and sections to demonstrate compliance.
- *Clause 4.4 Floor space ratio* – the maximum permitted Floor Space Ratio (FSR) for the site is 1.5:1 as indicated on the WLEP2009 floor space map. However, Clause 4.4A (4) of WLEP 2009 includes a formula for calculating the applicable floor space ratio for development in a business zone that is to be used for a mixture of residential purposes and other purposes.

It is noted also that where at least 20% of the gross floor area is provided in the form of affordable rental housing (as defined in SEPP (Affordable Rental Housing) 2009, the SEPP enables additional floor space to be provided in accordance with the provisions of Clause 13.

The development application will need to include plans for each level indicating areas included and excluded from GFA calculations. Floor space ratio calculations for the site are to be provided using the formulas provided under WLEP 2009 and SEPP (Affordable Rental housing) 2009.

- *Clause 7.1 Public utility infrastructure* – to be addressed within the SEE.
- *Clause 7.5 Acid Sulfate Soils* - the site is identified as being affected by Class 5 acid sulphate soils. An acid sulphate soils management plan will be required if the proposal involves Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
- *Clause 7.14 Minimum Site Width* - as the proposal involves a residential flat building a minimum site width of 24m is required. This clause is satisfied however development of the subject site will effectively isolate the adjoining sites and potentially restrict the future development of those sites (see below).

- *Clause 8.4 Minimum building street frontage* – This clause provides that consent shall not be granted to a building on land within Zone B4 unless the site has at least one street frontage of at least 20m. The subject site meets this requirement

Any proposed non-compliance with a development standard contained in WLEP 2009 will need to be supported by a variation request under Clause 4.6 - Exceptions to Development Standards.

Wollongong Development Control Plan 2009 (WDCP 2009)

A comprehensive SEE including all relevant site constraint reports is to be submitted. The SEE must address all relevant chapters as relates to the development proposal and provide full justification for any variation requests in accordance with Clause 8 of Chapter A1.

The following chapters are of particular relevance to the proposal:-

- Chapter A1 - Introduction
- Chapter A2 - Ecologically Sustainable Development
- Chapter B1 – Residential Development
- Chapter D1 – Character Statements
- Chapter D13 – Wollongong City Centre
- Chapter E2 – Crime Prevention Through Environmental Design
- Chapter E3 - Car Parking, Access, Servicing/Loading Facilities and Traffic Management
- Chapter E6 - Landscaping
- Chapter E7 - Waste Management
- Chapter E14 - Stormwater Management
- Chapter E22 – Soil Erosion & Sedimentation Control

Wollongong City-Wide Development Contributions Plan 2019:

A development contributions levy will apply to the proposed development if approved. A detailed cost estimate report is required to be provided in conjunction with the Development Application. (Please note that Council uses the Cordell's Ecosting Guide to confirm the accuracy of construction cost estimates).

General planning issues:

- An active street frontage is required in accordance with Clause 3.3 of Chapter D13 Wollongong City Centre of WDCP 2009. This clause anticipates non-residential uses such as shops, studios, offices, and cafes as providing a means of street activation. Whilst a child care centre is a desirable facility within the City Centre particularly where 0-2 year olds are catered for, by their very nature child care centres need to provide a degree of security privacy for children. This, together with a limited period of activity (ie only starting and finishing times) presents a conflict between an open and active street frontage required by the DCP controls and achieving a safe and quiet environment for children. This conflict will need to be carefully evaluated and addressed having regard to the comments provided below in relation to the child care centre component. The degree of street activation is also a concern when the padmount substation, driveway and recessed foyer area already take up a significant proportion of the frontage.
- Street setbacks should be fully compliant with the provision of Chapter D13 – Wollongong City Centre of WDCP 2009. The decision to utilise the existing alignment of the adjoining Chiko's development is not supported. The adjoining site has significant development potential and any redevelopment of that site would also be expected to meet DCP requirements in relation to front setbacks. The eastern end of Crown Street is considered to be a highly significant location in terms of

view corridors toward the waterfront and back towards the City Centre (see Clause 3.10 and Fig.3.12 of Chapter D13 – Wollongong City Centre) and this view corridor should not be obstructed by the proposed development. The proximity of the site the Wollongong Entertainment Centre, WIN Stadium and the foreshore generally means that Crown Street is a significant pedestrian thoroughfare which needs to be supported by a complaint street setback and the provision of a street frontage awning in accordance with Clause 3.5 and Figure 3.6 of Chapter D13.

- Safety & security to be addressed through consideration of the principles of crime prevention through environmental design.
- The carparking, landscape plan and stormwater designs are required to be integrated and compatible. The landscape and car parking layout plan shall provide for appropriate landscaping of the site and car parking area in compliance with the requirements of Chapter E6 of the DCP.
- A comprehensive Statement of Environmental Effects (SEE) including all relevant site constraint reports and relevant compliance tables is to be submitted. The SEE must address all relevant clauses of WLEP 2009 and WDCP 2009 and provide full justification for any development departures sought and issues of non-compliance.
- The proposal will be notified in accordance with the Wollongong Community Participation Plan 2019.
- Detailed waste management plans are required in relation to the construction phase and ongoing waste management once the development is occupied. The detailed provisions of WDCP 2009 in relation to waste storage, vehicular access and collection requirements must be addressed by the design and within the SEE. It is desirable in this key pedestrian environment that waste collection take place within the site.
- A detailed site analysis should be conducted to determine the relationship with neighbouring properties and existing developments on those properties to guide the design to respond appropriately to ensure that privacy and other impacts are minimised. This should include potential building envelopes for commercial and residential development on adjoining land indicating setback/separation requirements and the relationship with the proposed development.
- The built form has been reviewed by the Design Review Panel and whilst the brick and screen materiality was supported by the Panel some concerns were expressed in relation to the wavering alignments of the building not meeting the aspirations of the streetscape. Further to that comment, it is considered appropriate to ensure that the brick selection does not dominate the building elevations, particularly above the podium level. The extent of masonry elements used in the upper level balconies and the dominance of privacy/shading screens also have the potential to contribute to a 'heavy' building form which is considered undesirable for a building in close proximity to the foreshore. Consideration should also be given to a partial 'squaring off' the street facing balconies on levels 7-12 to reduce the extent of their triangularity.

Landscaping

- The landscape concept plan must show all existing trees on site accurately plotted, indicating the location of the trunk with existing RL level, species identified and numbered to correspond with the arborist report. Compensatory planting will be required for the trees removed.
- It is noted on the submitted concept plans that tree 9,10,11, 12 appear to be located on the adjoining property. The trunk of the trees are not shown however it would appear that they would be impacted by the proposed basement construction. In this regard the applicant must provide an Arboricultural Impact Assessment (Arborist's Report) for these trees to ensure that the retention of these trees is viable in consideration of the proposed works.
- It is noted that no deep planting zone has been provided. It may be appropriate to make provision for a deep planting zone to allow the protection of tree 9,10,11, 12.

- Arboricultural Impact Assessment Level 3.

Where the proposal impacts upon the existing trees, an AIA is to include but not limited to the following:

- a) The accurate location, genus and species of each tree;
 - b) Health, amenity value and ULE (Useful Life Expectancy) rating of each tree;
 - c) Any pests or diseases that may be present on each tree;
 - d) Impact of the development on each tree, including encroachment on the TPZ and SRZ
 - f) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) required for each tree proposed to be retained;
 - g) Tree Protection Plan (TPP) outlining the specifications for tree protection to be in place during the construction phase including any pruning requirements;
 - h) Any root barriers necessary, type and their location;
 - i) Any branch or root pruning which may be required for the trees;
 - j) Any supporting evidence such as photographs, if relevant; and
 - k) Provide ground penetrating radar/vacuum extraction root mapping/resonance tomography (if required).
- The Public Domain Technical Policy Manual (PDTPM) is the reference document for footpath pavements. The applicant's Landscape Architect must address the streetscape requirements for the proposal in accordance with the requirements of the PDTPM available on Council's website.
 - Street trees add great amenity value to the urban environment. The developer is to provide street trees in accordance with the PDTPM. The Landscape Plan must indicate the existing and planned underground or above ground services to demonstrate that the street trees can be integrated into the footpath along the development frontage.
 - Concern is raised regarding the amenity of the outdoor spaces proposed for the childcare centre. The play areas should be located to minimise direct overlooking of indoor and outdoor play spaces front public areas such as Crown Street. It is concerning that the minimal landscape area provided will offer little screening or amenity to the play areas. This long and narrow area limits its functionality and ability to create meaningful outdoor opportunities. This is a core principle of the Childcare Planning guidelines. The proposed landscaped areas are not supported as these minimal landscape areas do not provide adequate screening or amenity to the children's play areas. The front and side landscape setbacks to the play areas are considered inadequate to provide an attractive environment and contribute to the landscape character of the streetscape.

Stormwater/Flooding:

- The development will need to satisfy Chapter E14 (Stormwater Management) of the Wollongong Development Control Plan (DCP) 2009.
- A Stormwater Concept Plan including on-site stormwater detention (OSD) will need to be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP 2009 and submitted with the development application.
- An independent detailed survey plan of the site and surrounding area will need to be prepared by a registered surveyor to Australian Height Datum (AHD), including lot boundaries, contours/spot levels, easements, services, site area, roads, existing stormwater disposal system, etc. and submitted with the development application.
- The development will need to be designed to ensure no local/nuisance stormwater impacts on the upslope adjoining land as a result of obstruction of surface runoff and/or ponding of stormwater. The design will need to comply with Section 9.3.17 of Chapter E14.
- Stormwater from the development will need to be piped to Council's existing drainage system in Burelli Street via an easement to drain water in accordance with Section 9.3.6 of Chapter E14.

- Where minor system discharge rates do not exceed 55 L/s, stormwater from the easement may be discharged to Council's kerb/gutter (in Burelli Street) in accordance with Section 9.3.4 of Chapter E14.
- Alternatively, where minor system discharge rates exceed 55 L/s, stormwater from the easement will need to be piped to Council's existing underground stormwater drainage system.
- Integration with the landscaping plan and overall development: Site landscaping must be integrated with the stormwater management (drainage) controls. In particular, the location and nature of the OSD system should not conflict with landscaping areas and objectives.

Traffic:

General

- The applicant should refer to Chapter E3 – Car Parking, Access, Servicing/ Loading Facilities and Traffic Management of the Wollongong Development Control Plan 2009.
- The applicant should also refer to Chapter C5 – Childcare Centres, Wollongong Development Control Plan 2009.
- The applicant must provide all internal access dimensions on the site plan, including grades, access widths, parking aisle widths which comply with AS2890.1.
- A Traffic Impact Assessment will need to be prepared by a suitably qualified consultant and be prepared in accordance with Table 2.1 of the RTA Guide to Traffic Generating Development.

Access and Manoeuvring

- The proposed access design must comply with the AS2890 series and be designed for the largest anticipated vehicle to enter the site with adequate clearances adjacent to obstructions such as high walls.
- The gradient of the access driveway across the footpath must be a maximum of 2.5% (1:40) and must comply with Clause 3.3 of AS2890.1 (unit development) to provide an acceptable grade on entry to the site.
- The entire site frontage must provide a 2.5% footpath grade. Floor levels must be set appropriately based on the height of the kerb etc. Details to be provided at DA and CC stage of the development.
- The access design should ensure that adequate pedestrian and vehicle sight distance is provided as per AS2890.1.
- The applicant must provide swept paths which show a B99 vehicle passing a B85 vehicle on all car parking aisles and critical corners.

Car Parking

Residential Car Parking

- Under SEPP 65 the applicant should use the sub-regional parking rates in the RTA Guide to Traffic Generating Development (GTTGD) for apartments in Wollongong if the rates are lower than the DCP parking rates.

City Centre Residential Parking Rates for Comparison

- 0.75 car space per dwellings (<70m2) or 1 car spaces per dwelling (70-110m2) or 1.25 car spaces per dwelling (>110m2), plus 0.2 car parking spaces per dwelling for visitors.
- 1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)

- 1 motorcycle space per 15 dwellings

High density residential flat buildings (20 or more dwellings) as per Clause 5.4 of the GTTGD

Metropolitan Sub Regional Centres

0.6 car spaces – 1 bed units

0.9 car spaces – 2 bed units

1.4 car spaces – 3 bed units

1space per 5 units for visitors (0.2 spaces per dwelling)

The applicant must provide bicycle parking in accordance with Council's DCP.

- 1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)
- 1 motorcycle space per 15 dwellings

Adaptable dwellings

- Within a multi dwelling development incorporating more than 6 dwellings, 10% of all dwellings (or at least 1 dwelling) should be adaptable units (Chapter B1 8.16.2 of the DCP). Parking space sizes for adaptable units should comply with AS2890.6 (2009).
- The applicant should identify which units are to be adaptable on the DA plans.

Affordable Social Housing

- Car parking is to be provided for the affordable housing units as per the minimum requirements outlined in the Affordable Rental Housing SEPP (Clause 14(2)).

Childcare Centre Parking

- 1 car parking space per staff member present at any one time, plus
- 1 space per 6 children
- Included in the total child care parking must be:
 - 1 disabled car parking space as per Off Street Parking for People with Disabilities.
 - 2 large spaces (3.2m x 5.5m) for parents requiring the use of strollers.

Query from Applicant Regarding a Proposed On-street Pick-up/Drop-off Zone

- This is not something which can be assessed as part of a Development Application.
- On-street parking is public parking, not for a specific user.
- Nearby residents and businesses that rely on street parking would need to be consulted over any plans to change on street traffic and parking controls. Some nearby residents and business owners may object to the proposals.
- The applicant could contact the Strategic Traffic Team with a proposal to change on-street parking controls outside of the DA process. If this proposal is considered to have merit, and consultation with nearby residents and businesses does not identify any issues, Traffic Committee would provide a technical review before signage and linemarking is approved by Council.

Basement Security while Allowing Access for Commercial and Residential Visitors

- The applicant needs to ensure that the residential basement area remains secure whilst also allowing access for residential and commercial visitors. This could be done through the use of a roller door positioned to ensure that visitor and commercial parking is outside of the secure area. The applicant will need to show this detail on amended plans. The location of any security roller

doors should not restrict manoeuvring to ensure that visitors can safely turn and exit the car park in a forward direction if all spaces are occupied.

Residential Bicycle Security

- The applicant should show the location of residential bicycle parking which provides the appropriate level of security (User Class B) as required by AS2890.3. This should be provided in a secure communal compound with a self-closing door and combination keypad lock.

Visitor Bicycle Security

- The applicant should provide any required visitor bicycle spaces in an accessible area within the site. These spaces have lower security requirements.

Childcare Centre Bicycle Security

- The applicant should show the location of any required employee bicycle parking for the childcare centre which provides the appropriate level of security (User Class B) as required by AS2890.3. This should be provided in a secure communal cage with a self-closing door and combination keypad lock.

Waste Servicing and Deliveries

Residential Waste Collection

- Waste collection details are to be provided, such as the location of the bins for storage and collection, method of collection, and size of collection vehicle.
- Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with Appendix 4 of Chapter E7 of the DCP.
- It should be noted that street collection can be accepted where the total number of waste and recycling bins can be accommodated within 50% of the site frontage on collection day (Chapter E7, Clause 5.4.3). The applicant will need to show the bins on the road reserve fronting the site to allow assessment of the impact on the street frontage.
- If waste is to be collected from within the site, turning for waste collection vehicles (no more than 3 turning movements) must be demonstrated using swept paths. Overhead clearances must also be observed. The vehicle dimensions and operating clearances for garbage trucks can be found within Chapter E7 of the DCP. The 10.24-metre-long rear loader would be the design vehicle in this case.
- Potential conflict between large waste vehicles and residents, childcare centre parents, children and staff would need to be addressed under this arrangement.

Childcare Centre Servicing and Waste Collection

- For site servicing, a small rigid vehicle or medium rigid vehicle would need to be able to access the site (based on waste generation and suitable justification). Swept paths need to demonstrate forward ingress and egress for the service vehicle with no more than 3 turning movements.
- The facility will need to provide for on-site waste collection by a private contractor outside opening hours to minimise any potential vehicular or pedestrian conflicts.

Community Development

Although not present at the pre-lodgement meeting, Council's Community Development Worker -

Children and Families has reviewed the plans and provided the following comments in respect of the child Care centre component:

- The outdoor playground in the location shown is not considered a quality environment.
- There is no visual privacy in the outdoor play area from the adjoining properties.
- Both play areas will require a sandpit as the one that is proposed means the children from the toddler's room have to cross over into the 3-6yr play area. Both rooms should have direct access outdoors for indoor/outdoor play and should have access to their own equipment as toddlers are not good at sharing or taking turns.
- Internally the 3.25m² per child requirement allows for 18 children in the toddler's room and 19 in the 3-6 year old's room. That totals 37 children and the outdoor play area is only of sufficient size to cater for a maximum of 30 children.
- Indoors, the 3.25m² per child area is required to be 'unencumbered' space – ie without craft sinks, bed stores and storerooms etc. The provision of these items, which are not shown on the plans, will effectively reduce child numbers and may not allow for the centre to accommodate the number of children as proposed.
- If 0-2 year olds are anticipated on site a nappy change area will be required and this will further reduce unencumbered floor space.
- The common access to both the residential component and the childcare centre is not supported. As proposed, the access does not allow control over who enters and leaves the foyer and this poses a safety issue for children. Children can become separated from their parent/carer and easily wander into the common area and be taken. This design is also considered to be problematic for children who have a custody issue with the non-custodial parent being able to wait unseen in the foyer area. The entrances should be separate with no access from the accommodation to the entrance to the child care centre.
- There is an oversupply of 3-5 year old places and a shortage of 0-2 year old places in the City of Wollongong. This situation is likely to continue and get worse with the number of people working from home as a result of COVID 19. The applicant is therefore encouraged to provide spaces for 0-2 year olds as this is where the greatest need is.
- Safety is a significant concern with child care centres and accordingly the relationship to parking spaces to the centre entry point need to be resolved. Under no circumstances should children be crossing a driveway as required by the current design. There should be a clear pathway from the allocated car parking spaces into the centre that ensures parents/carers are not encouraged to walk children behind or around cars or across driveways into the entrance.

Development Application Fees

If the construction cost estimate is known you may obtain a lodgement fee quote by contacting Council's Customer Service Centre on the telephone number (02) 4227 7111.

WHAT INFORMATION IS NEEDED WITH A DEVELOPMENT APPLICATION?

In order for Council to conduct a proper and informed assessment of your application, the following information must be submitted:-

Owner's Consent
Survey Plan
Site Context Analysis Plan
BASIX assessment/certificate

Traffic Generation Impact Assessment
Plan of On-Site Traffic
Movement/Parking/Loading
Stormwater Concept Plan

Statement of Environmental Effects
Site Plan
Floor Plans
Building Elevations Plans
Building Sections Plan(s)
Shadow Profiles and Plans
Schedule of External Finishes
Photo Montages/Perspectives
Streetscape Sketch
Design Method/Approach
Geotechnical Report
Contamination Report

Archaeological Assessment
Landscape Concept Plan
Arborist Report
Disabled Access Design Provisions
Site Management Plan/Staging Plan
Waste Management Plan
Social Impact Assessment
Heritage Impact Statement
Compliance report for Child Care
Planning Guideline

OUR AGREEMENT:

This pre-lodgement information does not constitute an approval.

This meeting note represents an agreement for the submission of information considered necessary for the timely determination of an application.

The notes are provided in good faith to assist applicants in the preparation of a development application. Relevant legislation and Council's requirements can vary from the time of this meeting to lodgement of the application. Public exhibition of the application can also raise unexpected relevant issues requiring lodgement of new or amended information.

Accordingly, Council's final position on the proposal can only be made once a development application has been lodged and assessed.

Development Project Officer: Brad Harris

Attachment 5

A prelodgement meeting with Council was held on 16 September 2020 (Ref: PL 2020/127) and Design Review Panel (DRP) meetings were attended on 14 September 2020 and 19 January 2021. It is noted that at the time of the pre lodgement and DRP meetings, a child care centre was proposed at the ground floor level of the development. Since this date, amendment to the plans has occurred and a commercial tenancy is now proposed at the ground floor level, to replace the child care centre.

Table 1-1 provides a summary of the key pre-lodgement meeting outcomes and the manner in which the subconsultant's reports/plans have responded to the issues raised at the meeting.

Table 1-1 provides a summary of the key DRP meeting outcomes from the 19 January 2021 meeting and the manner in which the subconsultant's reports/plans have responded to the issues raised at the meeting.

Table 1-1 Key Prelodgement and DRP Meeting Outcomes

Prelodgement Meeting Issues	Response/SEE Section
Include assessment against SEPP (Educational Establishments and Child Care Facilities) 2017	The child care centre which was originally proposed at the ground floor level has now been replaced with a commercial tenancy.
Address SEPP 55 (Remediation of Land)	Refer to accompanying Contamination Assessments and Section 3.4 of this SEE
Address requirements of SEPP (Building Sustainability Index. BASIX) and reference commitments on plans.	Refer to accompanying BASIX Certificate and architectural plans.
WLEP 2009: The use is permissible in the B4 zone – address zone objectives and the following clauses: CI 4.3 – Height of Buildings (45m permitted) CI 4.4- Floor Space Ratio – CI 4.4A includes a formula for the applicable FSR where a mix of residential and business uses are proposed. Where 20% of the GFA is provided as affordable rental housing CI 13 of the SEPP permits a bonus FSR. Include GFA plans with the DA. CI 7.1 Public Utility Infrastructure – address in SEE CI 7.5 Acid Sulfate Soils – Class 5 soils – A Management Plan is required is works are within 500m of Class 1,2,3 or 4 that ss below 5m AHD and by which water table is likely to be lowered.	 Noted – refer to section 6.1 to 6.3 of this SEE. The height of the proposed building is compliant – refer to section 6.5. Refer to section 6.5 for FSR calculation. FSR ID Plans prepared by ADM Architects accompany the DA. Refer to Section 6.7 of this SEE. Council is requested to not require the Submission of an ASSMP as basement is sited at RL 5.8. Refer to Section 6.7 of this SEE.

Prelodgement Meeting Issues	Response/SEE Section
<p>CI 7.14 – Site Width – The site meets the 24m requirements but will create an isolated lot.</p> <p>CI8.4 Min Building Street Frontage – 20m width requirement is met.</p>	<p>Refer Section 8.2.2 of this SEE.</p> <p>Compliance noted.</p>
WDCP 2009 – address relevant requirements and chapters.	Refer to Sections 7 and 8 of this SEE.
Wollongong City Wide Contributions Plan – A detailed cost estimate report is required.	Refer to accompanying DA Cost Report.
An active street frontage is required – address degree of street activation having regard to child care security, padmount substation, driveway and recessed foyer.	Refer to discussion in section 8.2.1 of this SEE which confirms that an active street frontage will be achieved though siting of the residential lobbies, pedestrian access to the ground level commercial from Crown Street and an awning to the Crown Street frontage.
Street setbacks should be fully compliant with Chapter D13 – Wollongong City Centre to retain view corridors and to support this main pedestrian thoroughfare.	A compliant 2m front setback, as per the requirements of Chapter D13 (Wollongong City Centre) of WDCP 2009, is provided to walls and balconies.
Address considerations of crime prevention through environmental design.	Refer to section 8.2.12 of this SEE which addresses controlled access and surveillance.
Detailed Waste Management Plan to be provided.	Refer to accompanying Waste Management Plans and Section 8.2.10.
Provide detailed Site Analysis.	Refer to Site Analysis Plan prepared by ADM Architects (Drawing A-002).
<p>Submit an Arborists Report which confirms position of trees 9,10,11 and 12. Consider deep soil planting to allow for the protection of such trees. Provide street trees.</p> <p>The length, overlooking and limited landscaping in the child care centre are not supported. Better align indoor and outdoor spaces of child care centre.</p> <p>Reconsider seat position and bike racks at entry.</p>	<p>Trees 10, 11 and 12 have been removed under a separate permit (DA TMO-2020/971). The accompanying Arborist's Report addresses tree removal and retention – refer to 8.2.6 of this SEE. Three (3) street trees are proposed.</p> <p>The child care centre which was originally proposed at the ground floor level has now been replaced with a commercial tenancy.</p> <p>The bike racks and seating at the entry have been repositioned.</p>
Provide Stormwater Concept Plan and address Chapter E14 of WDCP 2009.	Refer to the accompanying Stormwater Concept Plan.
<p>Provide a Traffic Impact Assessment and Swept Paths.</p> <p>Provide parking for residential units based on subregional rates of ZRTA Guide to traffic Generating Development (*if lower than DCP rates).</p> <p>Provide parking for affordable housing units as per ARH SEPP.</p> <p>Provide parking for child care centre as per child care rates of WDCP 2009.</p> <p>Position visitor and commercial parking outside of secure area.</p> <p>Provide secure parking for commercial and resident bicycles and accessible visitor bicycle parking.</p>	<p>Refer to the accompanying Traffic Impact Assessment which confirms that parking is compliant with WDCP 2009 (which is the lesser standard, as required) and the ARH SEPP.</p> <p>Visitor and commercial parking is provided at the ground floor level, behind a secure roller shutter which is closed outside of business hours.</p>
<p>Provide communal waste storage area.</p> <p>On street collection is acceptable where total number of bins is less than 50% of frontage width.</p>	<p>Communal waste storage areas are provided at the ground floor level.</p> <p>Residential bins will occupy less than 50% of the street frontage on collection day – refer section 8.2.9 of this SEE.</p>

Prelodgement Meeting Issues	Response/SEE Section
A SRV or MRV will need to be able to access the site for servicing of the child care centre.	Council is requested to not require the provision of a dedicated loading bay as the child care centre has been removed and the commercial space is of a small scale.
<p>Child Care Centre:</p> <p>Centre can cater for a maximum of 30 children based on outdoor space.</p> <p>The nappy change area will reduce the internal unencumbered area.</p> <p>The common access to the child care centre and residences is not supported.</p> <p>Applicant is encouraged to provide more spaces for 0-2 year olds.</p> <p>A clear pathway is needed from the carparking spaces, with no crossing of the driveway.</p>	The child care centre which was originally proposed at the ground floor level has now been replaced with a commercial tenancy.

Table 1-2 Key DRP Meeting Outcomes

Wollongong Design Review Panel 19 January 2021 Minutes and Recommendations	Response
Built Form and Scale	
<i>In regards the new awning, it is recommended that its width is increased by 1m – 1.2m to the north to provide some weather protection to the footpath. Not only would this increase its potential to provide protection to residents, it would strengthen its role in the overall façade composition. Consideration of impacts on street trees should form part of this addition.</i>	<p>The awning has been extended by a minimum of 1m to provide weather protection over the footpath.</p> <p>The awning will overlap with less than a third of the predicted maximum canopy spread of the street trees, and only on their southern side. Impact to the trees is likely to be manageable through pruning without compromising tree health.</p>
Although it was recommended at the last Panel meeting, the substation is still not housed within the building envelope. While the Panel understands that this standard practice is still not common locally, there are recent examples of substations being integrated into buildings throughout the Wollongong CBD. Given the importance of this street to the city generally and the adverse impacts on the public domain of free-standing kiosks, the currently proposed pad mount substation cannot be supported. Instead, it should be fully enclosed within a substation room.	<p>Council is requested to reconsider its position on the request for an internal substation having regard to the information contained in the attached correspondence from Paul Anthony Electrical, which responds to advice from Integral Energy to Council dated 23rd December 2020. This advice confirms that a 'Method of Supply' proposal was submitted to Endeavour Energy in July 20, 4 months prior to Endeavour's response to Council. Endeavour granted in-principle approval at that time.</p> <p>Further, Paul Anthony Electrical confirm that an indoor substation would require a footprint of 5.7m x 4.6m x 1.5m and that no windows would be permitted in this area to a height of 5m for the full width of 5.7m. Basement parking would also be excluded from this area. This would necessitate a significant redesign of the lower levels of the building and would not increase the opportunity for an expansion of the active street frontage.</p> <p>We also draw the Panel's attention to the fact that the substation extends over a limited extent of the site frontage, is well screened and still allows for activation of the ground floor frontage, provided by the lobby entrance and commercial space.</p> <p>We therefore request that Council permit the proposed pad mount substation on the basis of this advice.</p>
Landscape	
<p>Level 01</p> <ul style="list-style-type: none"> Consider how the common room and the landscape work together as a single space (particularly if there is an event, e.g birthday 	The common room has been integrated with an outdoor BBQ space with arbour structures delineating each programmed space.

Wollongong Design Review Panel (via MS Teams)
Meeting minutes and recommendations

Date	19 January 2021
Meeting location	Wollongong City Council Administration Offices
Panel members	Brendan Randles Tony Tribe Marc Deuschle
Apologies	Pier Panozzo – City Centre & Major Development Manager
Council staff	Brad Harris – Development Project Officer
Guests/ representatives of the applicant	Angelo Di Martino – ADM Architects Charlie Daoud – Traders in Purple Nicolle Harcombe – Traders in Purple Thomas Zdun – Traders in Purple Elaine Treglown - Cardno John Gow – Jackson Teece Damian Barker – Jackson Teece
Declarations of Interest	Nil
Item number	3
DA number	DA-2020/1465
Reason for consideration by DRP	SEPP 65, Clause 7.18 WLEP 2009
Determination pathway	WLPP
Property address	15-19 Crown Street, Wollongong
Proposal	Mixed use development - construction of a 13 storey residential flat building over a ground level childcare centre and one (1) level of basement parking
Applicant or applicant's representative address to the design review panel	The applicant addressed the panel
Background	The site was previously inspected by the Panel on 14 September 2020 under DE-2020/56 pre-lodgement and was first discussed at that design review panel meeting.
Design quality principals SEPP 65	
Context and Neighbourhood Character	<p>As stated previously, the Applicants demonstrate a good knowledge of the site and have provided substantial site analysis. 3D views and long street elevations greatly benefit the assessment of the project in it current and future context.</p> <p>While recommended additional contextual information has not been included (such as extending sections across the street), numerous recommended changes at ground level have been undertaken which greatly improve the proposal's contribution and interface with the street – see Built Form below.</p>
Built Form and Scale	<p>As stated previously, the Panel supports the built form and scale of the three storey brick clad podium, with small floor plate tower proposed. The Panel commends the tower apartments, which are highly amenable.</p> <p>In regards activation, the Panel acknowledges that there are limits to how much retail can be provided in this part of the city. It also notes that numerous amendments have been made to improve its interface with the public domain, improve its security and clarity of entry and pedestrian amenity, and somehow animate its ground level interface.</p> <p>These changes are commended and include :</p> <ul style="list-style-type: none"> - new secure gate and fence to the forecourt

	<ul style="list-style-type: none"> - entry de-cluttered with bicycles relocated - better alignment with entry lobby - new seat integrated into forecourt - animated façade to child care - sculptural street facing wall to childcare open space - new street trees - a new awning spanning the entry and western boundary now unifies the various elements across the ground level façade. - Consistent paving to the kerb extending for the full frontage to Crown Street, into the entry and lobby. <p>In addition, ground floor parking layouts have been amended to ensure that there is clear and safe passage from childcare parking spaces to the facility, via the entry forecourt.</p> <p>In regards the new awning, it is recommended that its width is increased by 1m – 1.2m to the north to provide some weather protection to the footpath. Not only would this increase its potential to provide protection to residents, it would strengthen its role in the overall façade composition. Consideration of impacts on street trees should form part of this addition.</p> <p>Although it was recommended at the last Panel meeting, the substation is still not housed within the building envelope. While the Panel understands that this standard practice is still not common locally, there are recent examples of substations being integrated into buildings throughout the Wollongong CBD. Given the importance of this street to the city generally and the adverse impacts on the public domain of free-standing kiosks, the currently proposed pad mount substation cannot be supported. Instead, it should be fully enclosed within a substation room.</p> <p>Provided they are fully integrated into the new sculptural wall, the location of the fire boosters is acceptable.</p> <p>Side facing podium units U102, U106, U202 and U206 have now been amended to address Panel concerns; they are now much improved.</p> <p>The additional roof terrace provided to the street facing north east podium roof space at level 3 is a commendable addition. See Landscape below for further improvements to common open space.</p> <p>As noted previously, the side and rear setbacks proposed at podium and tower levels are supported.</p>
Density	<p>With the amendments now provided, it would appear that the density proposed can be comfortably housed on the site.</p>
Sustainability	<p>As noted previously, the proposal's high compliance with the ADG's solar access and cross ventilation requirements is commended. In addition, the proposal:</p> <ul style="list-style-type: none"> - meets its BASIX requirements, - has committed to water efficient fittings, - proposes water collection reuse for irrigation purposes and - has included photovoltaic cells for lighting and other uses in communal areas.

<p>Landscape</p>	<p>The increase of the amount of COS to 36% is positive for the project and given its various locations, levels, and aspects throughout the project, should provide the opportunity for people to utilise some portion of the COS throughout the year.</p> <p>The amended spatial arrangements of the various spaces are generally accepted; however, the design resolution of the spaces needs further development. Comments for further development include:</p> <p>Level 01</p> <ul style="list-style-type: none"> - Consider how the common room and the landscape work together as a single space (particularly if there is an event, e.g birthday party) to prevent circulation and amenity clashing. - Better define the program intended for each landscape space / room and provide furniture / amenity related to these. - Consider buffer planting to units 101B and 108 to the sides of the common room exit. Also, could the POS of units 101A and 102 have a planted buffer where they adjoin. - The positions of fixed furniture within all spaces need to be reconsidered. Currently these positions create odd arrangements, form unusable pockets of spaces, and result in clashes with circulation. Consider the layouts in a similar way to that of an internal room, where furniture is pushed to the edges and the space is created between. - A BBQ is noted but not shown – show and consider arrangement as per points above. - The clothes drying area is in a potentially valuable space. Could these clotheslines be located along the eastern boundary and the SE corner space used as a 4th outdoor room? <p>Level 03</p> <ul style="list-style-type: none"> - Better define the program intended for this space and provide furniture / amenity related to this. - The positions of fixed furniture within all spaces need to be reconsidered. Currently these positions create odd arrangements, form unusable pockets of spaces, and result in clashes with circulation. - A BBQ is noted but not shown – show and consider arrangement as per points above. - The pergola could be integrated with the angular form of the building – ensure it provides summer shade (or adjustable to suit season / time of day) and add rain cover if considered useful. <p>Level 04</p> <ul style="list-style-type: none"> - Better define the program intended for each landscape room and provide furniture / amenity related to these. - There are two small balconies to the eastern and western ends of the lobby – it is unclear what these are for and how they relate to either the built form or landscape. These need to be resolved / explained. - The positions of fixed furniture within all spaces need to be reconsidered. Currently these positions create odd arrangements, form unusable pockets of spaces, and result in clashes with circulation. - A BBQ is noted but not shown – show and consider arrangement as per points above.
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	<ul style="list-style-type: none"> - The communal garden is a great addition but may prevent the space from adaptive future uses should the interest from residents wane. It may be better to use the edge planters as communal planters, or removable planters should they remain central to the space. <p>GF Childcare</p> <ul style="list-style-type: none"> - The various design issues within the childcare open space would suggest that it is a placeholder design for future resolution, as opposed to a resolved design (e.g the tricycle track and arrangement of ground surfaces). It is therefore recommended (as a condition of consent) that the proposed childcare open space design is accepted as indicative only, to be updated and approved by Council once an operator is involved.
Amenity	<p>The Panel notes that - apart from the padmount substation - all the amenity concerns previously raised by the Panel have now been addressed.</p> <p>See notes in Landscape above regarding further improvements to the communal open space and childcare open space.</p>
Safety	<p>The entry's safety and security, as well as internal amenity, have now been successfully resolved.</p> <p>BCA complying egress to podium apartments - when operated on a 'twin key' basis - still needs to be verified.</p>
Housing Diversity and Social Interaction	Acceptable
Aesthetics	<p>As previously advised, the Panel supports the proposal's aesthetics, including its brick materiality, use of screens, massing and composition. The vertical bar balcony balustrade treatment is favoured as an appropriate fit with the material palette proposed.</p> <p>See notes above regarding minor changes to the new awning at ground floor level and the housing of the substation with the building envelope.</p> <p>The dramatic cantilever of the NW upper floors is noted. In this instance, the Panel commends the Applicants' departure from the standard massing, materiality and expression of apartment buildings within the CBD; if well built, it should make a distinctive addition to the streetscape and local precinct.</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Achieved
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Achieved
Whether the proposed	No

development detrimentally impacts on view corridors,	
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	No
How the development addresses the following:	
the suitability of the land for development,	Achieved
existing and proposed uses and use mix	Achieved
heritage issues and streetscape constraints,	Achieved
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,	Achieved
bulk, massing and modulation of buildings	Achieved
street frontage heights	Achieved
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Achieved
the achievement of the principles of ecologically sustainable development	Achieved
pedestrian, cycle, vehicular and service access, circulation and requirements	Achieved
impact on, and any proposed improvements to, the public domain	Achieved
Recommendations	<ul style="list-style-type: none"> • It is recommended that the width of the awning is increased by 1m – 1.2m to the north to provide some weather protection to the footpath • The substation should be fully enclosed within its own room. • Provided they are fully integrated into the new sculptural wall, the location of the fire boosters is acceptable • The design resolution of certain spaces needs further development (see landscape comments) • BCA compliant egress to podium apartments - when operated on a 'twin key' basis needs to be verified. <p>The Panel supports the proposal and does not need to see it again.</p>

ATTACHMENT 7

Prelodgement Meeting Issues	Response/SEE Section
A SRV or MRV will need to be able to access the site for servicing of the child care centre.	Council is requested to not require the provision of a dedicated loading bay as the child care centre has been removed and the commercial space is of a small scale.
<p>Child Care Centre:</p> <p>Centre can cater for a maximum of 30 children based on outdoor space.</p> <p>The nappy change area will reduce the internal unencumbered area.</p> <p>The common access to the child care centre and residences is not supported.</p> <p>Applicant is encouraged to provide more spaces for 0-2 year olds.</p> <p>A clear pathway is needed from the carparking spaces, with no crossing of the driveway.</p>	The child care centre which was originally proposed at the ground floor level has now been replaced with a commercial tenancy.

Table 1-2 Key DRP Meeting Outcomes

Wollongong Design Review Panel 19 January 2021 Minutes and Recommendations	Response
Built Form and Scale	
<i>In regards the new awning, it is recommended that its width is increased by 1m – 1.2m to the north to provide some weather protection to the footpath. Not only would this increase its potential to provide protection to residents, it would strengthen its role in the overall façade composition. Consideration of impacts on street trees should form part of this addition.</i>	<p>The awning has been extended by a minimum of 1m to provide weather protection over the footpath.</p> <p>The awning will overlap with less than a third of the predicted maximum canopy spread of the street trees, and only on their southern side. Impact to the trees is likely to be manageable through pruning without compromising tree health.</p>
Although it was recommended at the last Panel meeting, the substation is still not housed within the building envelope. While the Panel understands that this standard practice is still not common locally, there are recent examples of substations being integrated into buildings throughout the Wollongong CBD. Given the importance of this street to the city generally and the adverse impacts on the public domain of free-standing kiosks, the currently proposed pad mount substation cannot be supported. Instead, it should be fully enclosed within a substation room.	<p>Council is requested to reconsider its position on the request for an internal substation having regard to the information contained in the attached correspondence from Paul Anthony Electrical, which responds to advice from Integral Energy to Council dated 23rd December 2020. This advice confirms that a 'Method of Supply' proposal was submitted to Endeavour Energy in July 20, 4 months prior to Endeavour's response to Council. Endeavour granted in-principle approval at that time.</p> <p>Further, Paul Anthony Electrical confirm that an indoor substation would require a footprint of 5.7m x 4.6m x 1.5m and that no windows would be permitted in this area to a height of 5m for the full width of 5.7m. Basement parking would also be excluded from this area. This would necessitate a significant redesign of the lower levels of the building and would not increase the opportunity for an expansion of the active street frontage.</p> <p>We also draw the Panel's attention to the fact that the substation extends over a limited extent of the site frontage, is well screened and still allows for activation of the ground floor frontage, provided by the lobby entrance and commercial space.</p> <p>We therefore request that Council permit the proposed pad mount substation on the basis of this advice.</p>
Landscape	
<p>Level 01</p> <ul style="list-style-type: none"> Consider how the common room and the landscape work together as a single space (particularly if there is an event, e.g birthday 	The common room has been integrated with an outdoor BBQ space with arbour structures delineating each programmed space.

Wollongong Design Review Panel 19 January 2021 Minutes and Recommendations	Response
<p>party) to prevent circulation and amenity clashing.</p> <ul style="list-style-type: none"> • Better define the program intended for each landscape space / room and provide furniture / amenity related to these. • Consider buffer planting to units 101B and 108 to the sides of the common room exit. Also, could the POS of units 101A and 102 have a planted buffer where they adjoin. • The positions of fixed furniture within all spaces need to be reconsidered. • A BBQ is noted but not shown – show and consider arrangement as per points above. • The clothes drying area is in a potentially valuable space. Could these clotheslines be located along the eastern boundary and the SE corner space used as a 4th outdoor room? 	<p>Programs are now clearly articulated serving passive and social interactions</p> <p>Provided, as shown in the Landscape Architectural DA Report.</p> <p>Actioned, as shown in the Landscape Architectural DA Report.</p> <p>An outdoor BBQ and gathering space is now provided at Level 1.</p> <p>Clothes drying area relocated as per DRP comments.</p>
<p>Level 03</p> <ul style="list-style-type: none"> - Better define the program intended for this space and provide furniture / amenity related to this. - The positions of fixed furniture within all spaces need to be reconsidered. - A BBQ is noted but not shown – show and consider arrangement as per points above. - The pergola could be integrated with the angular form of the building – ensure it provides summer shade (or adjustable to suit season / time of day) and add rain cover if considered useful. 	<p>Programs are now clearly articulated serving passive and social interactions.</p> <p>Fixed furniture has been relocated to consider circulation, by allowing clear pathways around and alongside.</p> <p>A BBQ and outdoor dining space is now provided at Levels 3.</p> <p>The pergola design has been updated to reflect the architectural form and provide full weather protection.</p>
<p>Level 12</p> <ul style="list-style-type: none"> - Better define the program intended for each landscape room and provide furniture / amenity related to these. - There are two small balconies to the eastern and western ends of the lobby – it is unclear what these are for and how they relate to either the built form or landscape. These need to be resolved / explained. - The positions of fixed furniture within all spaces need to be reconsidered. - A BBQ is noted but not shown – show and consider arrangement as per points above. - The communal garden is a great addition but may prevent the space from adaptive future uses should the interest from residents wane. It may be better to use the edge planters as communal planters, or removable planters should they remain central to the space. 	<p>Programs are now clearly articulated serving passive and social interactions. Use of space has been better defined, including rooftop lounge space, yoga lawn and amphitheatre, BBQ and mounted TV.</p> <p>The western area has been planted to provide outlook to the main hallway, whilst the eastern area takes advantage of adjacent tree planting at this level.</p> <p>Fixed furniture has been relocated to consider circulation, by allowing clear pathways around and alongside.</p> <p>BBQ is located at southern side of outdoor dining area in plans, out of way of furniture and walkways.</p> <p>Communal planting bed has been replaced with adaptive yoga/amphitheatre space.</p>
<p>GF Childcare</p> <ul style="list-style-type: none"> - The various design issues within the childcare open space would suggest that it is a placeholder design for future resolution, as opposed to a resolved design (e.g the tricycle track and arrangement of ground surfaces). It is therefore recommended (as a condition of consent) that the proposed childcare open space design is accepted as indicative only, to 	<p>A detailed, high quality landscape design for the ground floor commercial tenancy, with potential commercial outdoor 'break out' spaces has been produced to replace the previous design for the child care centre. (see LADR).</p>

Wollongong Design Review Panel 19 January 2021 Minutes and Recommendations	Response
<i>be updated and approved by Council once an operator is involved.</i>	
Safety	
<i>The entry's safety and security, as well as internal amenity, have now been successfully resolved. BCA complying egress to podium apartments - when operated on a 'twin key' basis - still needs to be verified.</i>	TIP has advised that advice from their fire engineer has confirmed compliance, as doors need to be within 6m of the internal door to the corridor, which is compliant.

DRAFT

CLAUSE 4.6 'EXCEPTION TO DEVELOPMENT STANDARDS' STATEMENT – CLAUSE 8.6 BUILDING SEPARATION

10 JUNE 2021

1 Introduction

'This report comprises a Clause 4.6 Variation Statement for the proposed 'Communities Plus' development at 15-19 Crown Street, Wollongong (Lot 1 DP 87188). In particular it regards non-compliance of the proposal with "Clause 8.6 – Building Separation within Zone B3 Commercial Core or Zone B4 Mixed Use" of Wollongong Local Environmental Plan 2009 (WLEP). The Variation Statement has been prepared in support of the Statement of Environmental Effects (SEE) for the proposed development. Extensive detail on the proposed development can be found within that document.

This report contains the following structure:

Section 2 – Description of Clause 4.6 of WLEP as relevant to the proposal.

Section 3 – Description of Clause 8.6 of WLEP as relevant to the proposal.

Section 4 – Detailed discussion of compliance of the proposal with Clause 8.6.

Section 5 – An Exception to Development Standard Report, compiled according to legislative and common law requirements, and including justification for the variation.

Section 6 - Conclusions

2 Clause 4.6 of WLEP 2009

Clause 4.6 'Exceptions to Development Standards' of Wollongong Local Environmental Plan 2009 provides the opportunity to contravene a development standard with approval of the consent authority and concurrence by the Director-General.

A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".

The objectives of Clause 4.6 are as follows:

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

This statement is provided in order to justify a variation to Clause 8.6 'Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use' under the following provisions of WLEP 2009, in accordance with Clause 4.6 of that Plan, as the application of these requirements is considered unreasonable or unnecessary for this particular development:

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

The objective of this clause is to "ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access". This clause states:

(2) Buildings on land within Zone B3 Commercial Core or B4 Mixed Use must be erected so that:

- (a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and
- (b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and
- (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

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

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

(4) For the purposes of this clause, a separate tower or other raised part of the same building is taken to be a separate building.

(5) In this clause: street frontage height means the height of that part of a building that is built to the street alignment.

This clause applies to the proposed mixed use development as it is located in the B4 Mixed Use zone of WLEP 2009.

4 Discussion of Compliance with Clause 8.6 of WLEP 2009

4.1 Summary of Separation Distances

The proposed thirteen (13) storey building contains a commercial tenancy at the Ground Level and residential apartments at Levels 1 through to 12.

Table 4-1 confirms the manner in which the various levels of the building will comply with clauses 8.6(2) and 8.6(3).

Table 4-1 Compliance with Clause 8.6 of WLEP 2009

Level	Functions	Height	Relevant Clause	Separation Required	Minimum Separation Provided	Compliance
Level G	Commercial	Below street frontage height	8.6(2)(a)	0m	West: 7.3m from commercial space to adjacent RFB East: Nil setback South: Nil setback	West: Variation sought East: Complies South: Complies
Level 1	Residential	Below street frontage height	8.6(3)	16m to any other building 20m to any other dwelling	West: Min 4.06m from balcony to adjacent RFB East: Nil South: 20.69m	West: Variation sought East: Variation sought South: Complies

Level	Functions	Height	Relevant Clause	Separation Required	Minimum Separation Provided	Compliance
Level 2	Residential	Below street frontage height	8.6(3)		West and East South: 24.38m separation	No existing adjacent building interface. South: Complies
Level 3	Residential	Above street frontage height and below 45m	8.6(3)		West and East South: 29.07m separation	No existing adjacent building interface. South: Complies
Levels 4-11	Residential	Above street frontage height and below 45m	8.6(3)		West and East South: 32.045m separation	No existing adjacent building interface. South: Complies
Level 12	Residential	Above street frontage height and below 45m	8.6(3)		West and East South: 40.24m separation	No existing adjacent building interface. South: Complies

Ground Level:

Clause 8.6(2)(a) requires no separation between the proposed and neighbouring buildings for storeys up to the street frontage height (or 24m) which do not contain residential uses. This applies to the Ground Level of the proposal, which contains a commercial space. The Ground Level has no separation to the commercial building immediately to the east (currently containing a 2 storey fast food restaurant 'Chicko's') and therefore provides compliant separation to the east. Similarly, the carpark is sited on the rear boundary, meeting the intended nil separation requirement to the south. To the west the Ground Level of the building provides compliant nil separation for the rear portion of the carpark, however provides a non compliant 7.29m separation from the commercial space to the 2 storey residential building to the west (at 21 Crown Street).

Levels 1 and 2:

Subclause (3) applies to the residential functions at Levels 1 to 12, as they all contain residential uses. In these cases, 16m separation is required to any other building, or 20m to another dwelling. In the case of Levels 1 and 2, compliant separation is provided to the south.

To the west, Level 2 has no adjacent building interface due to the RL of the Ground Floor level and mezzanine in the proposed development, which is above that of the existing 2 storey residential flat building at No. 21 Crown Street. At Level 1, the 16m separation is not provided to part of the upper level/roofline of the adjacent 2 storey commercial building at No. 13 Crown Street to the east. This upper level is predominantly used for cold storage purposes. The 20m separation from Level 1 is also not provided to the 2 storey residential flat building to the west.

Levels 3-12:

Similarly, at Levels 3-12 building separation to the east and west is less than the required 16-20m. However, it is noted that Levels 3-12 have no adjacent building interface with existing buildings to the east and west.

The following discussion therefore addresses non compliance with the provisions of clause 8.6 with respect to the following separation distances:

- A 0m separation for the Ground Level [subclause (2)(a)] to the 2 storey residential flat building to the west.
- A 16m separation distance for Level 1 [subclause (3)] to the roof of the 2 storey commercial building ('Chickos') to the east .
- A 20m separation for Level 1 [subclause (3)] to the 2 storey residential flat building to the west.

4.2 Analysis of Separation Distances to Adjacent Building to the East

The allotment immediately east of the site are No. 13 Crown Street and No. 44 Harbour Street. The former of these contains the fast food establishment Chicko's, while the latter contains a carpark serving that use. The building supporting the restaurant abuts the shared boundary for a length of approximately 23m, and at a height of approximately 17.010RL.

The Ground Level of the proposed building meets this building with no separation at their street frontage.

Level 1, which has a floor level of 15.800RL, partially meets the neighbouring building, with the Chicko's roof extending to approximately 1.2m above the Level 1 floor level. Above the roof line, there is no further building interface with the proposed development. In accordance with subclause (3), a separation of at least 16m would be required from the neighbouring building. This is partially not the case due to the adjacent roofline, and a variation will be required.

While Level 2 of the proposed building abuts the shared boundary line, due to its height, there is no adjacent building interface.

Levels 3-12 have a minimum setback of 9.125m from the eastern boundary, and have no adjacent building interfaces.

4.3 Analysis of Separation Distances to Adjacent Buildings to the West

To the west of the subject site is No. 21 Crown Street, which contains the two-storey residential flat building known as Acton Court. Acton Court is a red brick building set back approximately 2.09m from the shared boundary.

The Ground Floor of the proposed building is to be sited 5.38m from the western boundary. Separation to the Acton Court building is therefore approximately 7.47m at Ground Level. According to subclause (2)(a), separation should be 0m for non-residential levels below the street frontage height.

Although two-storeys, the natural fall in the land towards the west means that Acton Court has a height of approximately 15.590RL, which limits the interface with Level 1 of the proposed building. The Level 1 apartment extends to 1.975m from the western boundary, providing a minimal separation between buildings of 4.065m.

All levels above Level 1 have no adjacent building interface to the west.

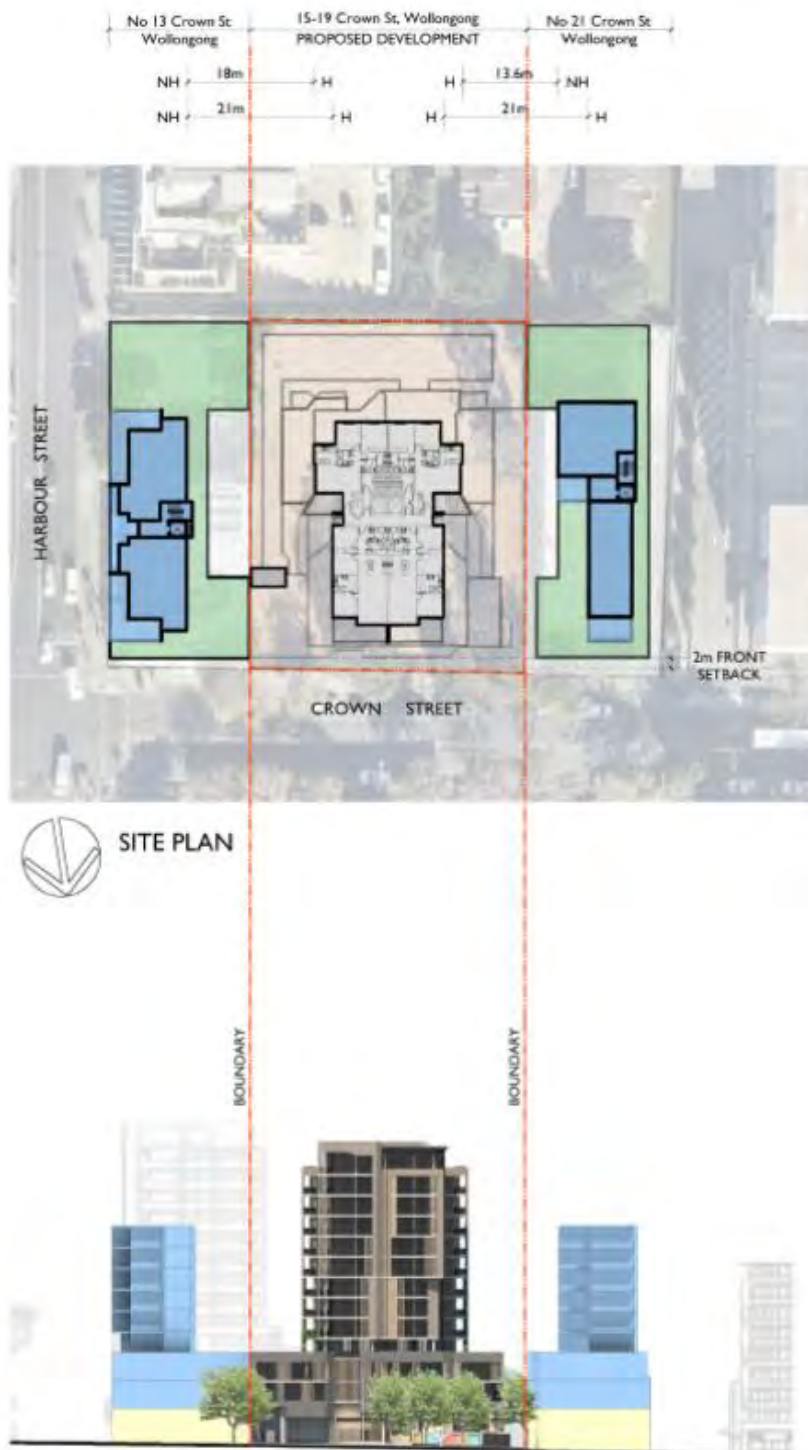
4.4 Separation to Possible Future Development on Adjoining Sites

Clause 8.6 of WLEP 2009 does not specifically refer to the need to consider 'future' buildings in the analysis of building separation. However, for the avoidance of doubt, consideration has been given to the separation which could be provided to future development on adjacent sites to the east and west.

A review of approved development consents on Wollongong City Council's online Development Application Register (in association with on-site analysis of nearby developments) has been undertaken to identify potentially relevant developments have been approved within the vicinity of the subject site. However, no recent results for development approvals were returned for any neighbouring properties.

Nonetheless, potential future developments for the eastern and western lots have been modelled based on their maximum GFA and other statutory limitations. These are demonstrated in the 'Neighbouring Building Analysis' (Drawing 2019-13) contained in **Appendix A** (refer extract in Figure 4-1 over). In these modelled developments, ADM Architects has demonstrated that zero setbacks can be provided below street frontage height, with upper level separation of 21m able to be provided between habitable rooms in the future buildings at No. 13 and No.21 Crown St. Both buildings provide a feasible gross floor area (GFA) yield, as also demonstrated in the analysis in Appendix A. Compliance with the provisions of clause 8.6 of WLEP 2009 can therefore be achieved having regard to the likely future development on adjacent sites to the west and east.

Figure 4-1 Extract of Neighbouring Building Analysis



5 Clause 4.6 - Exceptions to Development Standards Report

Clause 8.6 of WLEP 2009 contains development standards in the form of minimum separation distances adjoining buildings. A written justification for the proposed variation to the floor space ratio is therefore required in accordance with Clause 4.6. **Table 5-1** below outlines how the proposal relates to the provisions of Clause 4.6 as it applies to the contravened development standards in Clause 8.6 of the WLEP.

As indicated above, this Statement seeks variation to the following separation distances:

- The required 0m separation for the Ground Level [subclause (2)(a)] to the 2 storey residential flat building at No. 21 Crown Street to the west. This relates to an inability to meet the adjacent building on the western side, and due to its use to provide an outdoor breakout space for the commercial tenancy.
- The required 16m separation distance for Level 1 [subclause (3)] to the 1 storey commercial building at No.13 Crown Street to the east. This concerns a minor interface between the units on the eastern side of the site, and the roof of the building adjacent. The interface is approximately 1.2m from the floor of Level 1, with no nearby building interface above.
- A 20m separation distance for Level 1 [subclause (3)] to the 2 storey residential flat building to the west.

In preparing this statement, consideration has been given to Land and Environment Court Judgements *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (and appeal at NSWLEC 90)* and *Wehbe v Pittwater Council [2007] NSWLEC 827*, namely that the objection is well founded, that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Table 5-1 Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<p>(1) Objectives</p> <p>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Flexibility is sought for the application of the building separation requirements to the east for Level 1 and to the west for the Ground Level of the building so that a better outcome is achieved for the site. The particular circumstances for this are as follows:</p> <p>West (Ground Level):</p> <ul style="list-style-type: none"> ▪ The Ground Level has a variable separation from the western boundary of up to 5.38m. The neighbouring residential unit building has a further separation from the boundary of approximately 2.2m. ▪ As per Clause 8.6(2)(a), a building separation of 0m is required for non-residential areas below the street frontage height. ▪ The void space between the Ground Level and the boundary line is fully utilised as an outdoor breakout space for the commercial tenancy on that level. ▪ Even with strict application of the standard to bring the Ground Level extent to the boundary line, no connectivity could be made due to the setback of the existing neighbouring building. As such, there is no existing continuous street frontage to preserve. ▪ The subject site is also located on the fringe of the city centre where the existing streetscape transitions from 'nil' separation between buildings at street level to the west, to buildings towards the foreshore where separation between buildings (on the northern side of Crown Street) is more evident. On the southern side of Crown Street there are only a limited number of buildings to the east of the subject site, due to the positioning of the WIN Entertainment Centre. Therefore, the existing streetscape pattern 	Justified

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>in this location is irregular and is not dominated by zero setbacks between buildings below street frontage height.</p> <p>East and West (Level 1):</p> <ul style="list-style-type: none"> ▪ The existing building at No. 13 Crown Street Wollongong abuts the shared boundary, and in doing so, its roofline will directly adjoin Level 1 of the proposed building. As Level 1 contains residential dwellings, a separation of 16m is required from the commercial building (Chickos) at No.13 Crown St as per Clause 8.6(3). ▪ The extent of the variation is limited however by the fact that only the roofline of the neighbouring building has connectivity with Level 1 of the proposed building. This extends only to a height of approximately 1.2m from the floor of Level 1. ▪ The variation relates only to Unit 105B as Level 1 of the building is the only upper level which has an interface with the adjacent existing building. This unit has a blank wall on the eastern façade and a brick, blade screen wall to the balcony, preventing any overlooking impacts of No. 13 Crown Street. ▪ Given the extremely minor extent of the connectivity (being only the top 1.2m of the neighbouring building) which has negligible impacts upon views or privacy, variation to the provisions of Clause 8.6(3) is considered to be justified in the circumstances. ▪ To the west, Level 1 does not provide the required 20m separation. Although two-storeys, the natural fall in the land towards the west means that Acton Court has a height of approximately 15.590RL, which limits the interface with Level 1 of the proposed building. The Level 1 apartment extends to 1.975m from the western boundary, providing a minimal separation between buildings of 4.065m. However, Level 1 of the proposed building is sited adjacent to Level 2 ceiling and parapet of the adjacent RFB, minimising direct overlooking. Further, the design of the building provides for a strong base element which extends across the site thereby meeting the desired streetscape and building form outcomes in this inner city location. <p>Hence, it is considered that the objective of this clause is addressed.</p>	
<p><i>(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p>	<p>This subclause is not relevant to the subject proposal.</p>	<p>N/A</p>
<p><i>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to</i></p>	<p>This table comprises the written request seeking to justify the contravention of the building separation development standard.</p>	<p>Provided</p>

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<i>justify the contravention of the development standard by demonstrating:</i>		
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p><i>In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, para 61, Commissioner Person summarises the considerations from Wehbe v Pittwater Council [2007] NSWLEC 827 at [42] per Preston CJ, and notes in para 62 that clause 4.6 can be considered in a similar way to that of SEPP 1. In Wehbe at [44]-[48] Preston CJ identified other ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary, namely that the underlying objective or purpose is not relevant to the development; that the objective would be defeated or thwarted if compliance was required; that the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard; or that the zoning of the land is unreasonable or inappropriate.</i></p> <p>A response to each of these approaches is therefore provided as it relates to the current proposal:</p> <p><i>The underlying objective or purpose is not relevant to the development</i></p> <p>This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied – see below in this table). It is the numerical standard itself that is not relevant to the development and is incompatible/more stringent than standards/guidelines imposed by the Apartment Design Guidelines via SEPP 65 (a higher order environmental planning instrument).</p> <p><i>That the objective would be defeated or thwarted if compliance was required</i></p> <p>While compliance with the standard would not be strictly contrary to its objective, neither would it contribute meaningfully to this objective – “ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access” (for reasoning, see below). For this reason, the numerical standard does present an unreasonable and unnecessary burden.</p> <p><i>That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard</i></p> <p>Council's standards are inconsistent with and are more stringent than standards/guidelines imposed by the Apartment Design Guidelines via SEPP 65 (a higher order environmental planning instrument) and hence are effectively abandoned or destroyed by alternative and reasonable planning outcomes at the State level.</p> <p><i>The zoning of the land is unreasonable or inappropriate.</i></p> <p>The zoning of the land is appropriate, however as mentioned above, the numerical development standard applicable in the zone by Clause 8.6 for building separation is not.</p> <p><u>Overall:</u></p> <p>The objective of the standard, which is to uphold good visual appearance, solar access, and privacy in multi storey residential development, is relevant to the proposal and satisfied by it (see below in this table). The meeting of these objectives is not impacted by the variation of the proposal to the standard, and in this context, therefore, the numerical standard itself comprises an overly onerous requirement which limits the good design of the building (see below).</p>	Justified

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>As mentioned above, the building separation requirements are excessive and conflict with the recommendations of the Apartment Design Guidelines (ADG) which is referenced within State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) and which should be considered as the relevant planning document when measuring design outcomes of residential development.</p> <p>The recommendations of the ADG require separation distances of 9m for habitable rooms (ie. 4.5m on each adjoining development site) for up to 25m and 12 (ie. 6 m per site) for over 25m. The building for the most part achieves these habitable separation standards. Where it does not – for the easternmost unit on Level 1, the building separation is considered to be appropriate given the northern orientation of that residence, with an enclosed balcony to prevent overlooking of future adjacent buildings.</p> <p>It is therefore justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</p>	
<p><i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>	<p><i>In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, Commissioner Person determined that it is necessary for applicants to show sufficient grounds <u>particular to the development</u> in the Clause 4.6 objection.</i></p> <p>The variation to the development standard (building separation for the residential levels of the building) enable the feasible and appropriate development of the site, for the reasons given below.</p> <p>With respect to the variation to the 0m separation requirement for the western side at Ground Level [subclause (2)(a)]:</p> <ul style="list-style-type: none"> - While the numerical standard ostensibly exists to maintain a consistent visual effect, the lack of a consolidated street frontage in the locality makes the standard irrelevant. The neighboring building, 'Acton Court', has a side setback of approximately 2.2m, and a front setback of approximately 5m, making it not conducive to this visual effect. - The proposed setback of 5.38m has been utilised to provide separation between the commercial tenancy and residential units in the building to the west. Further, the proposed building separation provides a high level of natural light to the interior of the commercial space. With respect to the variation to the 16m building separation requirement for the easternmost unit on Level 1 [subclause (3)]: - The variation only concerns an interface of approximately 1.2m from the commercial building at No. 13 Crown Street. This is extremely minor and has negligible or no impact upon the visual appearance, solar access or privacy for either the proposed unit or the commercial building. - The unit in question, U105B on Level 1, addresses the north, and has a partially enclosed balcony. Consequently, the reduced building separation causes no impacts to privacy. Similarly, the northern aspect ensures ample solar access for the unit. <p>In addition, as demonstrated in the Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including:</p> <ul style="list-style-type: none"> ▪ State Environmental Planning Policies; ▪ Other provisions of the WLEP 2009; 	<p>Justified</p>

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<ul style="list-style-type: none"> The relevant Chapters of WDCP 2009; Section 4.15 of the Environmental Planning and Assessment Act 1979 (refer Section 10). 	
<p><i>(4) Consent must not be granted for development that contravenes a development standard unless:</i></p> <p><i>(a) the consent authority is satisfied that:</i></p>		
<p><i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p>	<p>This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the building separation requirements.</p>	Satisfied
<p><i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p><u>Wollongong LEP 2009:</u></p> <p><u>Objectives of the Standard (Clause 8.6)</u></p> <p><i>"to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access".</i></p> <p><u>Objectives of the Zones</u></p> <ul style="list-style-type: none"> <i>To provide a mixture of compatible land uses.</i> <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> <i>To support nearby or adjacent commercial</i> 	<p>Despite the variation to the required separation distances, the proposed development will be in the public interest as it still meets the objectives of the clause 8.6 as it:</p> <ul style="list-style-type: none"> Visual appearance: The intent of the zero separation below street frontage height is to maintain a consistent effect along the street. The variations which are sought below street frontage height are minor and will not unreasonably impact on the streetscape as there is no current (or anticipated future) consistent streetscape needing to be maintained. Solar Access and Privacy: Solar access and privacy are similarly not impacted by the proposed variation to the standard. The side setback and therefore building separation on the western side of the ground floor impacts positively upon the ground floor use by the a commercial function by providing an outdoor breakout space with solar access, as well as by increasing the natural light captured by this tenancy on the western side. The provision of a setback to the western boundary acknowledges the need to provide privacy or solar access to the existing two storey residential flat building at No.21 Crown Street to the west, whilst still accommodating a future multi storey development on this adjacent site. The proposed separation distance to the west, which is greater than that required by clause 8.6, provides for an increased level of solar access to this western building. <p>Hence the proposed development achieves the objective of the building separation development standard.</p> <p>The proposed development is also consistent with the objectives of the B4 Mixed Use zone as it will:</p> <ul style="list-style-type: none"> Provide a ground floor commercial space and much needed affordable and social housing; Do so in central Wollongong itself, with close access to the full range of retail and commercial spaces within the CBD, as well as access to reliable public transport options and the walking and cycling links associated with the coastal zone; Provide a greatly complimentary set of uses which would act to support the commercial centre, with no conceivable adverse impacts. 	Justified

Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<i>centres without adversely impacting on the viability of those centres.</i>	<p>Overall, the development of the site as proposed will facilitate the ongoing viability and economic development of the Wollongong City Centre and hence is in the public interest.</p> <p>Furthermore, it is considered that the proposed development meets the majority of the Aims of WLEP 2009 [Clause 1.2(2)] as follows:</p> <p><i>(b) encourage economic and business development to increase employment opportunities,</i></p> <p><i>(c) encourage a range of housing choices consistent with the capacity of the land,</i></p> <p><i>(f) conserve and enhance heritage,</i></p> <p><i>(g) ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure.</i></p>	
<i>the concurrence of the Director-General has been obtained.</i>	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	Addressed
<i>(5) In deciding whether to grant concurrence, the Director-General must consider:</i>		
<i>whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i>	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.	Addressed
<i>the public benefit of maintaining the development standard, and</i>	<p>The development is located in on a site, and is of a design, whereby compliance with the numerical standards of Clause 8.6 do not align with its objectives.</p> <p>There will be no measurable public benefit by adhering to the separation distance requirements of Clause 8.6, particularly as they would require nil setback at Ground Level 1 to the existing residential flat building to the west and would place a more onerous, and arguably excessive, separation requirement on Level 1 of the development to the east.</p>	Satisfied
<i>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</i>	It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.	Addressed

6 Conclusion:

This Statement has addressed the provisions of Clause 4.6 of Wollongong LEP 2009 and demonstrates that the variation sought to the development standard of the LEP (Building Separation) is justifiable on the following basis:

- The 5.38m separation from the western boundary on the ground floor is not contrary to any existing visual context of a unified street frontage along that section of Crown Street, whereas the separation is preferable for its provision of open space and natural light to the commercial tenancy.
- The impacts from the 0m separation between the easternmost unit on Level 1 and the neighboring building is negligible due to the minimal (1.2m) clearance of the neighbouring building roof on that storey, as well as the northern aspect of the unit itself which maintains its privacy and solar access.
- The reduced separation between Level 1 of the proposed building and the 2 storey residential flat building to the west will enable the building to extend across the site, providing a strong street presence, whilst minimising overlooking impacts.

Furthermore, these variations bear no impact upon the proposal's ability to satisfy the objective of that clause, namely *"to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access"*. The non-compliant building separation to the existing buildings does not create any unreasonable impacts on adjoining sites in terms of visual impact, disruption of views nor loss of privacy having regard to design outcomes in an inner city context. On this basis, strict compliance with the building separation controls of WLEP 2009 is considered unnecessary.

ATTACHMENT 9 – Apartment Design Guide Assessment
ADG compliance table

Key SEPP 65 standards			
	Required	Proposed	Compliance
3D Communal and public open space	Communal open space (COS) has a minimum area equal to 25% of the site. Minimum of 50% direct sunlight to the principal usable part of the COS for a min of 2 hours between 9am- 3pm mid winter	Required: 25% x ** m2 = **m2	
3E Deep soil zones	Less than 650m ² - N/A 650m ² - 1,500m ² - 3m Greater than 1,500m ² - 6m Deep soil zone (7% of site area)	The ground level comprises commercial use which occupy the majority of the site. Retention of street tree planting is provided for and an addition street tree is proposed.	Satisfactory
3F Visual privacy (separation distances from buildings to the side and rear boundaries)	Up to 12m (4 storeys) - 6m (habitable rooms & balconies) 3m (non – habitable rooms) Up to 25m (5-8 storeys) – 9m (habitable rooms & balconies) 4.5m (non – habitable rooms)	The proposed building adjoins residential development to the west and south.	Satisfactory (refer to Clause 4.6 Variation to WLEP 2009 building separation requirement)
3J Bicycle and car parking (Nominated regional centres; Wollongong, Warrawong, Dapto)	RMS Guidelines – 0.6 spaces per 1 bed unit 0.9 spaces per 2 bed unit 1.4 spaces per 3 bed unit 1 space per 5 units (visitors) Chapter E-3 of WDCP 2009 per 70-110m ² unit 1 per >110m ² unit 0.2 spaces per unit visitor spaces	Parking provided meets Council requirements noting specific requirements under Affordable Housing SEPP	Yes
4A Solar and daylight access	Living rooms and private open space, 2 hours direct sunlight in mid-winter to 70% of units. Units receiving no direct sun light between 9am and 3pm mid-winter 15% maximum	29 (73%) of apartments receive min 2 hours of sunlight between 9am and 3pm mid winter.	Yes

4B Natural ventilation	60% of units to be naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m.	44 (68%) units will be cross ventilated.	Yes
4C Ceiling heights	Habitable rooms 2.7m Non-habitable 2.4m	3.05m floor to floor provides for 2.7m ceiling heights	Yes
4D Apartment size and layout	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 90m ²	All apartment sizes meet minimum dimensions	Yes
4E Private open space and balconies	Studio apartments 4m ² - depth N/A 1 bedroom apartments 8m ² min depth 2m 2 bedroom apartments 10m ² min depth 2m 3+ bedroom apartments 12m ² min depth 2.4m	All balconies exceed dimensional requirements	Yes
4F common circulation spaces	The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Appropriate and efficient circulation provided with a max of 8 units off a circulation core on any level	Yes
4G Storage	Studio apartments 4m ³ 1 bedroom apartments 6m ³ 2 bedroom apartments 8m ³ 3+ bedroom apartments 10m ³	Storage requirements are met	Yes

Part 4 – Designing the building - Configuration

	Compliance
4K Apartment mix <u>Objective 4K-1</u> <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i> Design guidance - A variety of apartment types is provided Unit mix is generally appropriate. Note that only (1) bedroom unit is proposed. Applicant has provided justification for	3 apartment types are proposed ranging from 30m ² to 102m ² . The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social

<p>this which is accepted in this instance.</p> <ul style="list-style-type: none"> - The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups - Flexible apartment configurations are provided to support diverse household types and stages of life <p><u>Objective 4K-2</u> <i>The apartment mix is distributed to suitable locations within the building</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available 	<p>groups - Flexible apartment configurations are provided to support diverse household types and stages of life</p>	
<p>4L Ground floor apartments</p> <p><u>Objective 4L-1</u> <i>Street frontage activity is maximised where ground floor apartments are located</i></p> <p><u>Objective 4L-2</u> <i>Design of ground floor apartments delivers amenity and safety for residents</i></p>	<p>Ground floor is designed for commercial use as provided for by the mixed use zone</p>	<p>N/A</p>
<p>4M Facades</p> <p><u>Objective 4M-1</u> <i>Building facades provide visual interest along the street while respecting the character of the local area</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - To ensure that building elements are integrated into the overall building form and façade design - The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building. - Building services should be integrated within the overall facade - Building facades should be well 	<p>Facades are appropriate and overall design is acceptable with regard to the design excellence provisions of the LEP.</p> <p>The design was acceptable to the Design Review Panel with the inclusion of some amendments which has been addressed by in amended plans.</p>	<p>Yes</p>

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

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

<ul style="list-style-type: none"> • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes 		
<p>4Q Universal design</p> <p><u>Objective 4Q-1</u> <i>Universal design features are included in apartment design to promote flexible housing for all community members</i></p> <p>Design guidance - A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures</p> <p><u>Objective 4Q-2</u> <i>A variety of apartments with adaptable designs are provided</i></p> <p>Design guidance - Adaptable housing should be provided in accordance with the relevant council policy</p> <p><u>Objective 4Q-3</u> <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p> <p>Design guidance - Apartment design incorporates flexible design solutions</p>	Adaptable units proposed satisfy relevant requirements	Yes
<p>4R Adaptive reuse</p> <p><u>Objective 4R-1</u> <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i></p> <p>Design Guidance - Contemporary infill can create an interesting dialogue between old and new, adding to the character of a place</p> <p><u>Objective 4R-2</u> <i>Adapted buildings provide residential amenity while not precluding future</i></p>	Adaptable units proposed within the complex satisfy relevant criteria	Yes

<i>adaptive reuse</i>		
<p>4S Mixed use</p> <p><u>Objective 4S-1</u> <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Mixed use development should be concentrated around public transport and centres - Mixed use developments positively contribute to the public domain. <p><u>Objective 4S-2</u> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Residential circulation areas should be clearly defined. - Landscaped communal open space should be provided at podium or roof levels 	<p>An active street frontage is provided. The development is sited in the mixed use zone on the periphery of the commercial core. The integration of the residential and commercial components is satisfactory. Residential circulation areas are clearly defined</p>	N/A
<p>4T Awnings and signage</p> <p><u>Objective 4T-1</u> <i>Awnings are well located and complement and integrate with the building design</i></p> <p>Design guidance</p>	<p>Awning provided on Crown Street frontage and building overhang provides pedestrian cover. This was included</p>	Yes

<p>- Awnings should be located along streets with high pedestrian activity and active frontages</p> <p><u>Objective 4T-2</u> <i>Signage responds to the context and desired streetscape character</i></p> <p>Design guidance</p> <p>- Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development</p>	<p>at the request of the DRP.</p>	
<p>Part 4 – Designing the building - Performance</p> <p>Compliance</p> <p>4U Energy efficiency</p> <p><u>Objective 4U-1</u> <i>Development incorporates passive environmental design</i></p> <p>Design guidance</p> <p>- Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</p> <p><u>Objective 4U-2</u> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p>Design Guidance</p> <p>- Provision of consolidated heating and cooling infrastructure should be located in a centralised location</p> <p><u>Objective 4U-3</u> <i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>Compliant. Compliant solar access, ventilation. Satisfies BASIX requirements</p>	<p>Yes</p>
<p>4V Water management and conservation</p> <p><u>Objective 4V-1</u> <i>Potable water use is minimised</i></p> <p><u>Objective 4V-2</u> <i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p>Design guidance</p> <p>- Water sensitive urban design systems</p>	<p>Satisfies BASIX requirements</p> <p>Water tanks included. Flood and stormwater management is acceptable</p>	<p>Yes</p>

<p>are designed by a suitably qualified professional</p> <p><u>Objective 4V-3</u> <i>Flood management systems are integrated into site design</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Detention tanks should be located under paved areas, driveways or in basement car parks 		
<p>4W Waste management</p> <p><u>Objective 4W-1</u> <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Common waste and recycling areas should be screened from view and well ventilated <p><u>Objective 4W-2</u> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas 	<p>Appropriate arrangements proposed. Compliant acceptable waste storage rooms</p>	<p>Yes</p>
<p>4X Building maintenance</p> <p><u>Objective 4X-1</u> <i>Building design detail provides protection from weathering</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used. 	<p>Acceptable</p>	<p>Yes</p>

Objective 4X-2

Systems and access enable ease of maintenance

Design guidance

- Window design enables cleaning from the inside of the Building

Objective 4X-3

Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant

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ATTACHMENT 10 – WDCP 2009 Compliance Table

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

CHAPTER D13 – WOLLONGONG CITY CENTRE

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

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

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.2 Building to street alignment and street setbacks</u> Build to 3m from the street alignment. b) Notwithstanding the above, development is to meet the street building line and setback for specific streets as shown in Figure 2.2. Figures 2.2 and 2.3 indicates: 2m at street frontage for the subject site. c) Balconies may project up to 600mm into the front building setbacks if the cumulative width of all balconies at that level totals no more than 50% of the horizontal width of the building façade. d) Minor projections into front building lines and setbacks for sun shading devices, entry awnings are permissible. e) The Commercial Core, Mixed Use (City Edge) and Enterprise Corridor zones are subject to a requirement for corner properties to provide a 6m x 6m corner splay.	Setbacks provided: <u>Crown Street</u> 3.64m to 5.015m <u>Level 1 & 2:</u> Setback of 2.0- 4.24m to balconies (2m required). <u>Levels 3-12:</u> All front setbacks to walls and balconies are an absolute minimum of 2.0m (Level 3), in line with the required 2m.	Yes
<u>2.3 Street frontage heights in Commercial core</u> The street frontage height of buildings are not to be less than 12m or greater than 24m above mean ground level on the street front	Not applicable to B4 zone	N/A

<p><u>2.4 Building depth and bulk</u> Residential and serviced apartments outside the Commercial Core – max floor plate 900m2</p>	<p>A max 900m2 floor plate size and 18m building depth applies to Levels 3 and above. The building is predominantly less than 18m measured at any point in an east/west direction. Only one section at the rear of the building (at Level 3 and above) exceeds 18m depth, at approximately 21m, however at this point windows are provided on both elevations of that section of the building.</p>	<p>Minor Variation</p>
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <ul style="list-style-type: none"> • Minimum building setbacks from the side and rear property boundaries:- <ul style="list-style-type: none"> o Up to street frontage height (24m): 0m to side & rear (Ground to L2 terrace). o All uses (including non habitable residential) above street frontage height: 6m to side & rear o All uses above 45m: 14m • Note: building separation is governed by Clause 8.6 of WLEP 2009 for which a development departure is sought. See Section 2.1.4 of the report. 	<p>Design Criteria 3F Visual Privacy of Apartment Design Guide takes precedence for the residential component of the development</p>	<p>Refer ADG Assessment</p>
<p><u>2.6 Mixed used buildings</u></p> <p>a) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor</p> <p>b) minimum floor to ceiling heights are 3.3m for commercial office and 3.6m for active public uses</p> <p>c) separate commercial service requirements such as loading docks from residential access, servicing needs and primary outlook</p> <p>d) locate clearly demarcated residential entries directly from the public street</p>	<p>The ground floor of the building is capable of accommodating a range of business or retail uses. Level 1 provides affordable housing and given the community benefits variation is sought to the flexible building layout criteria.</p> <p>Floor to floor height for commercial is 6.0m thus a minimum floor to ceiling height of 3.3m will be achieved..</p> <p>The residential entry and lobby is clearly visible via a gate leading from the entry forecourt. The commercial space has access from Crown Street. Separate entrances provided for residential and commercial functions.</p>	<p>Yes (dedicated loading bay not provided for commercial space. This is considered acceptable given the minimal size of the commercial tenancy.</p>

<p>e) clearly separate and distinguish commercial and residential entries and vertical circulation</p> <p>f) provide security access controls to all entrances into private areas, including car parking and internal courtyards</p> <p>g) provide safe pedestrian routes through the site, where required</p> <p>h) front buildings onto major streets with active uses</p> <p>i) avoid the use of blank building</p>	<p>A roller shutter provides secure access to the parking at both levels.</p> <p>A separate pedestrian path in the carparking areas is considered unwarranted given the scale of the development and nature of the uses.</p> <p>The building addresses Crown Street and avoids the use of blank walls to this elevation.</p>	
2.7 Deep soil zone (DSZ)	Not required for commercial buildings	N/A
2.8 Landscape design	Landscape plan is generally reasonable and is compatible with the civil and stormwater plans. A number of conditions are recommended in relation to landscaping matters.	Yes
2.9 Green roofs, green walls and planting on structures	Planting on structures will be provided on non-trafficable roof areas. These are required through conditions of consent that were recommended by Council's Landscape Architect	Yes
2.10 Sun access planes	The proposed building will not cast shadows on any areas subject to the sun access planes	Yes
2.11 Development on classified roads	N/A	N/A

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>3.2 Permeability</u></p> <p>Site links, arcades and shared laneways are to be provided as shown in figure 3.1</p>	No opportunities exist to create pedestrian linkages	N/A
<p><u>3.3 Active street frontages</u></p> <p>Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front.</p>	The development will provide for activation of the Crown Street frontage.	Yes

<p>Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. Active office uses, such as reception, if visible from the street.</p> <ul style="list-style-type: none"> • In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level. • Active street fronts are required along streets for all buildings in the Commercial Core • Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street. 		
<p><u>3.4 Safety and security</u></p> <ul style="list-style-type: none"> • Ensure that the building design allows for casual surveillance of accessways, entries and driveways. • Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks. • Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. • Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance. Provide clear lines of sight and well-lit routes throughout the development. • Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. • For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles. • Provide security access controls where appropriate. 	<p>The building design is considered appropriate with respect to safety and security.</p>	<p>Yes</p>

<ul style="list-style-type: none"> • 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 		
<u>3.5 Awnings</u> <ul style="list-style-type: none"> • Continuous street frontage awnings are to be provided to Crown Street. Pedestrian cover is provided via recessed ground floor façade on Queens Parade. 	The proposal provides an awning to Crown Street. The Commercial frontage is setback beyond the upper residential floors which provides weather protection to pedestrians. An awning is also proposed as recommended by DRP	Yes
<u>3.6 Vehicular footpath crossings</u> <ul style="list-style-type: none"> • 1 vehicle access point only (including the access for service vehicles and parking for commercial uses) will be generally permitted • Double lane crossing with a maximum width of 5.4 metres may be permitted • Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade. • Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street 	One vehicle access point is proposed off the Crown Street frontage. The basement entry, loading dock and waste rooms are located behind the building façade. The vehicular access and loading arrangements are satisfactory to Council's Traffic engineer	Yes
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	N/A	N/A
<u>3.8 Building exteriors</u> <ul style="list-style-type: none"> • Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment and street frontage heights; setbacks above street frontage heights; appropriate materials and finishes selection; façade proportions including horizontal or vertical emphasis; Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged. 	<p>Artist impressions, perspective views and details of material/ finishes have been provided. The building exteriors have been considered by Council's Heritage architect and the Design Review Panel and are considered to be of an appropriate quality.</p> <p>The lift overruns and services are integrated into the overall building design. The proposed building is considered to respond well to the streetscape and generally reflects the existing character of the locality as outlined in the applicable planning controls.</p>	

<p>Articulate facades so that they address the street and add visual interest.</p> <ul style="list-style-type: none"> • External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. <p>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.</p> <p>To assist articulation and visual interest, avoid expanses of any single material.</p> <p>Limit opaque or blank walls for ground floor uses to 30% of the street frontage.</p> <p>Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</p> <p>Highly reflective finishes and curtain wall glazing are not permitted above ground floor level</p> <p>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.</p> <p>Minor projections up to 450mm from building walls in accordance with those permitted by the BCA may extend into the public space providing it does not fall within the definition of GFA and there is a public benefit.</p> <ul style="list-style-type: none"> • The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building. 	<p>The tower represents a continuation of similar but larger scale residential developments in the locality (The Crown and The Oxford)</p> <p>The proposal is satisfactory to the Council's Architect and Heritage Officer and other officers in relevant Council divisions.</p> <p>A colour & material schedule has been provided. High quality and durable materials and finishes are proposed. Roof top structures/ plant/ services will be setback from view.</p> <p>A condition is recommended limiting material reflectivity.</p>	
<p><u>3.9 Advertising and signage</u></p>	<p>The proposal does not include any signage.</p>	<p>Yes</p>

	Conditions requiring separate consent for any future signage have been included on the draft consent.	
<u>3.10 Views and view corridors</u> <ul style="list-style-type: none"> Existing views shown in Figure 3.12 are to be protected to an extent that is practical. Align buildings to maximise view corridors between buildings 	The potential impacts posed by the proposal have been considered and it is unlikely that any view loss will occur.	

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.2 Pedestrian access and mobility</u> <ul style="list-style-type: none"> Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard and the Disability Discrimination Act 1992. The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor. The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access. Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain. Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1, AS/NZS 2890.1:2004 and the DDA. 	<p>Entry to the building is appropriately located and visible from the street.</p> <p>Vehicular access and car parking meets Australian Standards and is considered acceptable by Council's Traffic Engineer.</p> <p>Access and paths of travel are satisfactory.</p>	

<p><u>4.3 Vehicular driveways and manoeuvring areas</u></p> <ul style="list-style-type: none"> • Driveways should be: <ul style="list-style-type: none"> 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 6m from the nearest intersection iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary. • Vehicle access is to be designed to: <ul style="list-style-type: none"> i) Minimise the impact on the street, site layout and the building façade design; and ii) If located off a primary street frontage, integrated into the building design. • All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn • Driveway widths must comply with the relevant Australian Standards. • Car space dimensions must comply with the relevant Australian Standards. • Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard • Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development. 	<p>One vehicle access point is proposed to/from Crowns Street, as required by this clause.</p> <p>Appropriate driveway location being distant from nearby intersections; does not appear to conflict with any services in the road reserve.</p> <p>Driveway width is acceptable and manoeuvring areas appear to comply with applicable controls.</p> <p>Council's DCP requires a development of this size to allow access for a 12.5m Large Rigid Vehicle. The proposal allows provides for this.</p> <p>The entry and exit, driveway widths, car space dimensions and vehicle ramp grades comply with the relevant standards.</p> <p>No uncovered carparking spaces are proposed.</p> <p>All vehicles can turn on site and leave in a forward direction.</p>	<p>Yes</p>
<p><u>4.4 On-site parking</u></p> <p>☐ On-site parking must meet the relevant Australian Standard</p> <ul style="list-style-type: none"> • Council may require the provision of a supporting geotechnical report prepared by an appropriately 	<p>The proposal provides for parking on ground level and one basement level.</p>	

<p>qualified professional as information to accompany a development application to Council.</p> <ul style="list-style-type: none"> • 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. • Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future. • On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP. • To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking. 	<p>The number of parking spaces provided accords with the provisions of WDCP 2009 Chapter E3 and the Apartment Design Guide.</p>	
<p><u>4.5 Site facilities and services</u></p> <p>Mail boxes – provide in an accessible location adjacent to the main entrance; integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.</p> <p>Letterboxes to be secure and of sufficient size Communication structures, air conditioners and service vents -locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.</p> <p>Waste storage and collection Service docks and loading/unloading areas</p> <ul style="list-style-type: none"> • Provide adequate space within any new development for the loading and unloading of service/delivery vehicles. • Preferably locate service access off rear lanes, side streets or rights of way. 	<p>Provision has been made for on-site servicing and deliveries. The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development including an electricity substation.</p> <p>Adequate waste storage rooms will be located on ground level. On-street waste collection is proposed; there is sufficient space on the street frontage for the placement of bins.</p> <p>Loading zone and dock proposed; sufficient size and adequate manoeuvring area provided. Dock area is within the building.</p> <p>Conditions are imposed in relation to the management of waste and bins.</p>	

<ul style="list-style-type: none"> • Screen all service doors and loading docks from street frontages and from active overlooking from existing developments. • Design circulation and access in accordance with AS2890.1. 		
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5 Environmental management

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

6 Residential development standards

See ADG Assessment – Attachment 9

7 Planning controls for special areas

The site is not located within a special area.

8 Works in the public domain

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

PRECINCT PLAN – WOLLONGONG CITY CENTRE

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

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

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

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

Disabled persons' access will be provided from Crown Street frontage.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
3.1 Lighting	Under awning lighting proposed. No light spill impacts are expected.	
3.2 Natural surveillance and sightlines	Opportunities for natural surveillance of the footpaths will be available.	Yes
3.3 Signage	Acceptable	Yes
3.4 Building design	The design is considered to adequately respond to CPTED principles. There are minimal concealment or entrapment opportunities evident on the plans.	Yes
3.5 Landscaping	Landscaping treatment will not result in any concealment opportunities in any unsecure places.	Yes
3.6 Public open space and parks	N/A	N/A
3.7 Community facilities and public amenities	N/A	N/A
3.8 Bus stops and taxi ranks	N/A	N/A

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

Car parking, access and servicing facilities are considered acceptable.

Adequate car parking is provided, and impacts on traffic considered minimal.

CHAPTER E6: LANDSCAPING

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

CHAPTER E7: WASTE MANAGEMENT

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

CHAPTER E9: HOARDINGS AND CRANES

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

CHAPTER E11: HERITAGE CONSERVATION

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

CHAPTER E12: GEOTECHNICAL ASSESSMENT

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

CHAPTER E13: FLOODPLAIN MANAGEMENT

The site is not flood affected.

CHAPTER E14: STORMWATER MANAGEMENT

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

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

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

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

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

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The proposal is satisfactory with regard to Clause 7 of SEPP 55; refer to Section 3.1.1 of the report in this regard.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

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

handling in relation to archaeology and the like.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

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

ATTACHMENT 11 - DRAFT CONDITIONS OF CONSENT

Approved Plans and Specifications

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

Project No.	Drawing No.	Issue	Title	Dated	Prepared by
2019-13	A-100	D	Site Plan	22.06.21	ADM Architects
2019-13	A-101	E	Basement Floor Plan	24.05.21	ADM Architects
2019-13	A-102	E	Ground Floor Plan	24.05.21	ADM Architects
2019-13	A-103	D	Mezzanine Floor Plan	24.05.21	ADM Architects
2019-13	A-104	D	Level 1 Floor Plan	24.05.21	ADM Architects
2019-13	A-105	B	Level 2 Floor Plan	1610.20	ADM Architects
2019-13	A-106	D	Level 3 Floor Plan	22.06.21	ADM Architects
2019-13	A-107	C	Level 4-6 Floor Plan	22.06.21	ADM Architects
2019-13	A-108	C	Level 7-11 Floor Plan	22.06.21	ADM Architects
2019-13	A-109	D	Level 12 Floor Plan	22.06.21	ADM Architects
2019-13	A-201	C	North Elevation	08.06.21	ADM Architects
2019-13	A-202	C	East Elevation	08.06.21	ADM Architects
2019-13	A-203	C	South Elevation	08.06.21	ADM Architects
2019-13	A-204	C	West Elevation	08.06.21	ADM Architects
2021004	LD DA100	2	Landscape Plan	31.05.21	Landform Studios
2021004	LD DA200	2	Landscape Level 1	31.05.21	Landform Studios
2021004	LD DA300	1	Landscape Level 3	25.02.21	Landform Studios
2021004	LD DA400	1	Landscape Level 12	25.02.21	Landform Studios
2021004	LD DA-600	2	Section A-A	31.05.21	Landform Studios
2019-13	A-501	E	Colour & Material Schedule	08.06.21	ADM Architects

and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Geotechnical**
- All work is to be in accordance with the geotechnical recommendations contained in the report dated 12 March 2020 by Cardno.
 - All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
 - Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
 - 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.
 - Foundation systems are to be with all footings to be founded within the underlying weathered bedrock or as recommended by the geotechnical consultant.

- f An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
 - g All recommendations of the geotechnical consultant in their geotechnical report dated 12 March 2020 are to be accommodated in the earthworks plan.
 - h The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
 - i All earthworks including drainage, retaining wall and footing 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.
 - j All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.
- 3 **Stormwater Quality Management**
The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%
It is strata management responsibility to maintain the stormwater filtration system.
- 4 **Separate Development Applications for Commercial Tenancy**
A separate approval shall be obtained prior to occupation, if required, by tenants or operators of commercial tenancies within the building
- 5 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 6 **Construction Certificate**
A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing. A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

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

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 8 **Mailboxes and Street Numbering**
The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. The mailboxes must be provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like. Prominent street numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
- 9 **Separate Consent Required for Advertising Signage**
This consent does not authorise the erection of any advertising signage other than the signage shown on Drawing No. A-501-E. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.

10 **Maintenance of Access to Adjoining Properties**

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier (PC) indicating agreement by the affected property owners.

11 **Occupation Certificate**

An Occupation Certificate must be issued by the PC prior to occupation or use of the development. In issuing an Occupation Certificate, the PC 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.

12 **Tree Removal**

This consent permits the removal of trees numbered as indicated on the Landscape Plan prepared by Landform Studio February 2021 and Arboricultural Impact Assessment Report October 2020. No other trees shall be removed without prior written approval of Council.

13 **Street Tree Removal**

The developer shall remove existing the street tree T14 indicated on the on the Landscape Plan prepared by Landform Studio February 2021 and number T9 on Arboricultural Impact Assessment Report October 2020.

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

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

Prior to the Issue of the Construction Certificate

14 **Privacy Screens**

The privacy screens to east and west facing living room windows of rear apartments be increased in area to adequately provide privacy to neighbouring properties. The privacy screens shall cover the entire window and be non-operable in areas where side setbacks are not compliant with ADG requirements. This requirement shall be reflected on the Construction Certificate plans.

15 **Amend Plans with Acoustic Recommendations**

Prior to issue of construction Certificate amend construction plans implementing all acoustic recommendation of acoustic report prepared by Acoustic Logic dated June 2021 to comply with AS/NZS 2017:2016 noise criteria. A copy of amended plan must be submitted to PC.

16 **Excavation and Retaining Structures adjacent to Public Roads**

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the PC for assessment prior to the issue of the Construction Certificate. The design must be prepared in accordance with the TfNSW Technical direction GTD 2012/001, by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design.

The plan must clearly show that all components of the retaining structure and associated drainage is wholly located within the subject site. The design must be supported by:

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

and relevant threshold actions prepared in accordance with TfNSW Technical direction GTD 2012/001.

17 **Ground Anchors**

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

18 **Heritage Interpretation Plan**

Prior to the release of the Construction Certificate the developer is to prepare a Heritage Interpretation Plan for the proposed development site. This plan should provide recommendations for the delivery of onsite heritage interpretation material and interpretive devices, to reference the history of the site, its past ownership as well as allow for the provision of any relics to be displayed in a visible location.

The plan must be prepared by a suitably qualified heritage consultant and is to be provided to Council's Heritage Staff for written endorsement prior to the release of the Construction Certificate

19 **Present Plans to Sydney Water**

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

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

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

20 **Section 73 Compliance Certificate**

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

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

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

21 **Endeavour Energy Requirements**

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

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

22 **Telecommunications**

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

23 **External Finishes**

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

- 24 **Glass Reflectivity Index**
The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.
- 25 **Car Parking and Access**
The development shall make provision for the following:
- Residential**
- 54 Residential/ Social and Affordable Housing car parking spaces (including 4 spaces capable of adaption for people with disabilities).
 - 8 Residential visitor car parking spaces.
 - 4 Residential motorcycle parking spaces.
 - A minimum of 22 secure (Security Class B) residential bicycle spaces.
 - A minimum of 6 residential visitor bicycle spaces (Security Class C).
- Commercial**
- 4 commercial car parking spaces.
 - 1 commercial motorcycle parking space.
 - A minimum of 1 secure (Security Class B) employee bicycle space.
- 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.
- 26 Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS 2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.
- 27 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 28 Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
- 29 **Designated Loading/Unloading Facility**
The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 30 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 31 **Security Roller Shutters to Car Parking Areas**
The developer must install an intercom point external to the security grille door adjacent to the main switch room, to enable visitors to the building to access the parking area. This door is to remain closed at all times, providing a secure car park area to occupants and visitors.
This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the PC prior to the release of the Construction Certificate.
- 32 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

33 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

34 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

35 **Details of Proposed Pit and Pipeline**

Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation

The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

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

- a A schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- c 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.

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

37 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

38 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 PC prior to release of the Construction Certificate.

39 **Tree Protection and Management**

The existing trees, with exception to those trees referred to in condition 12 of this consent, are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

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

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the PC for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural

engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site.

Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

41 **Sizing of Drainage**

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

42 **Stormwater Drainage Design**

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

- Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by The Stormwater Concept Plans, prepared by MRC Consulting Engineers, Reference No. J20135 Drawing Nos. C-SMP1-B, C-SMP4-B, C-SMP5-B and C-SK-A-A dated 29 January 2021.
- Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- The proposed terrace/courtyard on the southern side of the development must include a 2 stage stormwater system (i.e./ primary and overflow system) designed to cater for the 100 year flow from the contributing catchment.
- Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.
-

OSD Design

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the PC prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-202/1465;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

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.

Flows from Adjoining Properties

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

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.

47

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. Main body of pavement to be Basalt Dark by Nustone (or approved equal) dark grey basalt with an exfoliated finish, 600 x 300 x 40mm, lay perpendicular to kerb, maximum crossfall 2.5%,

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

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

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

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

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

48

Street Trees City Centre

The developer must address the street frontage by installing street tree planting. The number and species for this development is three (3) *Zelkova* 'Green Vase' 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.

49

Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$174,163.09. (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1294502	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

Prior to the Commencement of Works

50 Construction and Environmental Management Plan (CEMP)

- Submit a CEMP to PC, the plan shall address as minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.
- The CEMP shall include all recommendations of site assessment recommendations, hazardous material assessment and **unexpected finding protocol**.
- Submit an excavated soil material disposal plan to PC, with the batching, sampling and analysis procedures as per the DECCW (2009) *Waste Classification Guidelines*. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

51 Waste Management

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

52 Support for Neighbouring Buildings

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

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

53 Heritage Excavation Permit

The applicant must obtain an excavation permit from the Heritage Branch of the Office of Environment and heritage under Section 140 of the NSW Heritage Act 1977 before any works commence.

An Archaeological Research Design (ARD) should be prepared to support the s.140 application to be submitted to the NSW Heritage Council. An Excavation Director must be nominated for that application and archaeological management (test excavation and potential salvage excavations) would likely be required.

A copy of the final Report should be provided to Council's Heritage Staff.

54 **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 PC 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.

55 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

56 **Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the PC is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

57 **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.

58 **Enclosure of the Site**

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

59 **Works in Road Reserve - Minor Works**

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

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

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

60 **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

61 **Survey Report for Floor Levels**

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

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

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

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

63 **Acoustic Glazing to Comply with the AS/NZS 2017:2016 Noise Criteria**

Implement all the acoustic attenuation recommendations of acoustic consultant for dwellings to compliance the following LAeq levels are not exceeded:

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

All mechanical plants on the site shall have acoustic enclosures.

64 **Installation of WSUD Treatment Train**

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan.

65 **Material Used for Filling/Imported Fill**

All imported material used for the purpose of filling must consist of either Virgin Excavated Material (VENM), Excavated Natural Material (ENM).

All importation and management of material used for the purpose of filling must also comply with Wollongong Council Development Control Plan 2009 Chapter E-19.

66 **Heritage - Unanticipated Finds of Aboriginal Cultural Heritage**

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

67 **Heritage - Excavation Permit**

The proposed development must be undertaken in strict accordance with the conditions and requirements of the Heritage Excavation Permit.

The final Archaeological Research Report following excavation should be provided to Council,

- 68 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.
- 69 **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 PC and Council. No work is permitted on public holidays or Sundays.
- Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.
- <https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>
- Any request to vary these hours shall be submitted to the **Council** in writing detailing:
- a the variation in hours required (length of duration);
 - b the reason for that variation (scope of works);
 - c the type of work and machinery to be used;
 - d method of neighbour notification;
 - e supervisor contact number;
 - f any proposed measures required to mitigate the impacts of the works.
- Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.
- 70 **Site Management**
Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:
- a Does not spill onto the road pavement and
 - b is not placed in drainage lines or watercourses and cannot be washed into these areas.
- 71 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.
- 72 **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.
- 73 **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.
- 74 **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.
- 75 **Screen Planting**
To mitigate impact to adjoining residential development a continuous hedge is to be established along the boundary to No. 21 Crown Street for the length of property boundary.
- Recommended species:
- i *Syzygium australe* "Aussie Southern",
 - ii *Syzygium australe* "Aussie Compact",
 - iii *Syzygium luehmannii* × *S.wilsonii* "Cascade".

Minimum spacing 900mm.

Minimum pot size 75 lt.

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

76 **Podium Planting**

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

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

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

Prior to the Issue of the Occupation Certificate

77 **Affordable Rental Housing - Restriction**

Prior to the issue of any Occupation Certificate, an 88E Instrument creating a restriction on the use of the land under the Conveyancing Act 1919 is to be created requiring the following:

- a All units on Levels 1 and 2 identified as 'affordable housing' or 'social housing' on the stamped plans (total 27 units) are to be used for the purposes of affordable housing for 10 years from the date of the issue of the Occupation Certificate; and
- b Those units will be managed by a registered community housing provider.

The name of the authority having the power to release, vary or modify the restriction referred to is to be Wollongong City Council.

78 **Community Housing Provider**

Details of the Community Housing Provider which will manage the affordable housing component of the development shall be submitted to the satisfaction of Council prior to the issue of an Occupation Certificate.

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

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

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

80 **Completion of Engineering Works**

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

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

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

- a Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to TfNSW Technical direction GTD 2012/001.

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

82 **Acoustic Compliance Report**

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

83 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the PC is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the PC.

84 **BASIX**

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The PC must not issue the final Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

85 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

86 **Restriction on Use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

87 **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved OSD System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

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

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the PC is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

89 **Drainage WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full WAE plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures.

and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the PC prior to the issue of the Occupation Certificate.

90 **WAE Plans - Works within Council Land or Road Reserve**

The submission of a WAE plan for approved works in Council land and or road reserve must be submitted to and approved by Council's Development Engineering Manager, prior to the release of the Occupation Certificate. The WAE plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The WAE dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The WAE plans must include:

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

91 **Heritage Interpretation Works**

Prior to the release of the Occupation Certificate, the developer is to complete any works that are recommended in the endorsed Heritage Interpretation Plan as per condition in Condition 18 of this consent.

92 **Heritage Documents – Local Studies Library**

Prior to issue of the Occupation Certificate a copy of the following heritage documents must be provided in bound hard copy (as well as electronically) for inclusion in the local studies section of the Wollongong City Library:

- Historic Heritage Assessment (Austral Archaeology, March 2021;
- Archaeological Research Design and Methodology;
- Final Archaeological Research Report; and
- Endorsed Heritage Interpretation Plan.

93 **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

94 **Restricted Hours**

The hours of operation for the commercial premises shall be restricted to Monday to Friday 6.30 am to 6.30 pm. Any alteration to the approved hours of operation will require separate Council approval.

95 **Maintenance of Landscaping**

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

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

The use of the balconies/terrace areas, other than the common open space on Level 1, for the external drying of clothes is strictly prohibited.

97 **Graffiti Removal**

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

98 **Restricted Delivery Hours**

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

99 **Storage of Goods and Materials**

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

- 100 **Loading/Unloading Operations/Activities**
All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.
- 101 **Waste Management Plan**
Garbage containers, containers for recyclable materials and compactors must be stored in an external area or in a room specifically for that purpose (AS 4674:2004 – Section 2.4).

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.