

Wollongong Local Planning Panel Assessment Report | 27 November 2018

WLPP No.	Item No. 2
DA No.	DA-2018/973
Proposal	Residential - demolition of existing structures and construction of a 15 storey mixed use development comprising seven (7) commercial tenancies, 63 residential apartments and car parking for 91 vehicles
Property	28-32 Young Street and 29-31 Belmore Street, Wollongong
Applicant	ADM Architects
Responsible Team	Development Assessment and Certification - City Centre Team (NL)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 4 of Schedule 2.19(1)(a) of the Local Planning Panels Direction of 1 March 2018 as the development is sensitive development being more than 4 storeys in height and SEPP 65- Design Quality of Apartment Buildings applies.

Proposal

The proposal is for demolition of all existing structures and construction of a 15 storey shop top housing development.

Permissibility

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

Consultation

The proposal was notified in accordance with Council's Notification Policy and received one objection and one letter of support. The concerns raised are discussed at section 2.8 of the assessment report.

Main Issues

The main issues are

- Exceedance of floor space ratio
- Bulk and scale of the podium
- Non-compliant building separation and setbacks
- Communal storage area that is not considered safe or convenient and accessible.

RECOMMENDATION

It is recommended that the proposal be refused for the reasons contained at Attachment 9.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- 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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong Section 94A Development Contributions Plan
- Apartment Design Guide (ADG)

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for demolition of existing structures and construction of a 15 storey mixed use development. More specifically, the proposal can be described as follows:

- 7 commercial tenancies located across lower ground and upper ground level
- 63 units made up of the following
 - 14 one bedroom (22%) 2 of which are accessible
 - 43 two bedroom (68%) 2 of which are accessible
 - 6 three bedroom (10%) 4 of which are accessible

Traffic, parking and servicing

- 91 car parking spaces comprised of
 - 13 commercial spaces (2 accessible spaces)
 - 13 residential visitor spaces
 - 65 resident spaces (11 accessible spaces)
- Vehicular access from Belmore Street
- On site waste servicing

1.1 BACKGROUND

A previous mixed use development (DA-2016/1061) was approved by the Southern Regional Planning Panel on the 12 May 2017.

A pre-lodgement meeting (PL-2018/88) was held on 17 May 2018, the notes for which are at Attachment 7.

A pre-DA Design Review Panel meeting (DE-2018/67) was held for the proposal on the 19 June 2018.

A further Design Review Panel meeting was held following lodgement of the development application, the notes of which are contained at Attached 8.

1.2 SITE DESCRIPTION

The site is located at 28-32 Young Street and 29-31 Belmore Street, Wollongong, the title references being:

- Lot A DP 358466
- Lot B DP 358466
- Lot 38 Sec 5 DP 1258
- Lot 39 Sec 5 DP 1258

The site is regular in shape will a general fall from southeast to northwest of approximately 5.5m.

Adjoining development is as follows:

- North: single storey commercial development
- East: Young Street and low to medium density commercial development
- South: 2 storey commercial building.
- West: Belmore Street and a mixture of one to two storey residential and commercial development

The locality is characterised by a mixture of predominantly older commercial development of between 1 to 7 storeys in height.

The planning controls permit much larger development than currently exists and the area is therefore likely to undergo significant change to higher density development in future.

Property constraints

- Council records identify the land as being impacted by acid sulphate soils. No concerns are raised in this regard.

There are no restrictions on the title.

1.3 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. The application received one submission of support and one objection. The issues raised are discussed in Table 1 below.

Table 1: Submission

Objection	Comment
<u>State Environmental Planning Policy No 65 – Design quality of Residential Apartment Development</u>	
Principle 1: Context and neighbourhood character	Council's Landscape Officer has reviewed the application as satisfactory having regard to the public domain technical manual and feasibility of installation of street trees in light of location of services in the footpath.
It is considered that the design does not respond well to its context.	
The applicant has not provided acceptable public domain in relation to required landscaping solutions. A single tree is proposed on the footpath of Young Street, whilst no landscaping at all is proposed to Belmore street, thereby also not complying with site coverage and 2. Built form	

Objection	Comment
<p>and scale (below).</p> <p>The Statement of Environmental Effects is contradictory to the architectural plans stating trees have been provided on Belmore Street (not shown on plans) and that trees cannot be provided on Young Street (which they have provided as shown on the floor plans) due to underground services. The applicant has therefore not considered that as they will be constructing the development (including excavation) that there is the opportunity for relocation of these services and therefore be able to provide trees to Young Street. There is also the opportunity to provide an adequate setback to the rear, so it is in fact possible to comply with both site coverage and landscaped areas.</p>	
<p><u>Principle 2: Built form and scale</u></p> <p>It is considered that the design does not achieve a scale or bulk consistent with the desired future character of the site.</p> <p>The proposal includes 2 lower ground levels, an additional 5 levels to a height of approximately 20m and then an additional 9 levels to a height of 53.16m using 100% site coverage. A variation is sought for the both the site coverage and the separation distance of levels 1 – 14.</p> <p>The argument used in the Statement of Environmental Effects in relation to the non-compliance with separation distance relies on the adjoining land to the north being vacant and dismisses the built form of approved applications on this site. The fact that the land is vacant does not conclude that it cannot, or will not be, developed in the future and should therefore not be used as an argument. Additionally, dismissing approved applications on the site is unreasonable in the fact that the proposal itself relies on comparison with a past approval to justify its compliance.</p> <p>The argument used in the Statement of Environmental Effects in relation to the non-compliance with site coverage if properly considered, it would be obvious that that light wells proposed for Level 1 to for light and access to the corner units are not sufficient.</p>	<p>Council has concerns regarding the bulk and scale as outlined elsewhere in this report.</p> <p>There are no specific site coverage maximums applicable to the development under the applicable planning controls.</p> <p>Separation distances and side setbacks do not comply. The variations are not considered well founded and are not supported.</p>
<p><u>Principle 3: Density</u></p> <p>It is considered that the design does not achieve a reasonable density or amenity for its residents.</p> <p>As above, the design exceeds the allowable site coverage and separation distance and uses light wells to provide access and light to corner apartments.</p> <p>As this will be the first larger building, setting the precedence for all other buildings within this area built to permitted controls therefore over developing the entire</p>	<p>The density and amenity for the residents is generally considered acceptable in respect of the ADG and DCP.</p> <p>See above for comments in relation to site coverage and separation distances.</p> <p>The proposal will set a precedent for future development in the locality. At present, the built form outcome is not</p>

Objection	Comment
<p>site area. This is neither warranted nor fair to any following applications that will want the same provisions and may then not be permitted because of a poor decision for approval in the first instance.</p>	<p>considered to be desirable.</p>
<p><u>Principle 4: Sustainability</u></p>	
<p>It is considered that the design does not achieve a positive environmental, social and economic outcome.</p> <p>As above, the site is being over developed in relation to site coverage, separation distance and landscaped area / deep soil zones.</p> <p>There is high reliance on mechanical heating and cooling. Only 70% of the 46 residences will receive adequate solar access whilst the remainder will not receive any at all reducing the amenity for the residents in these apartments. A better design could be achieved by re-orientating the upper levels and utilisation of commercial spaces instead of residential area of the proposed buildings, which the architect has the opportunity to do, whilst also remedying the above non compliances.</p> <p>The proposed solar panels, according to the Statement of Environmental Effects will only service the common areas. Given the amount of north facing wall not utilized by windows and the proposed setback (when amended) additional solar panels could be added to this elevation for a better environmental outcome.</p> <p>Council should consider requesting a Social Impact Assessment (SIA) for the proposal.</p>	<p>BASIX Certificate has been provided indicating minimum requirements are met. A Site Waste Management and Minimisation Plan have been provided. The proposal is an efficient use of land in a location that is close to services and public open space</p>
<p><u>Principle 5: Landscape</u></p>	
<p>It is considered that the landscape design does not provide an attractive development with good amenity, environmental performance or useability.</p> <p>At both street levels, the streetscape does not flow well into the commercial spaces. There is (as above) no opportunity for landscaped area due to the setbacks on both sides.</p> <p>The “landscaping” provided on the podium level as common space is a token effort towards providing a green space (as is the community garden). This area as a landscaped area fails to provide quality spaces for use by groups of varying sizes and as only one entry to the pool is provided this is likely to induce conflicts of the common area from which the pool is accessed.</p>	<p>The landscaped areas are considered acceptable given the constraints presented by services in the footpath and appropriate for a mixed use building in the commercial core setting..</p>

Objection	Comment
<p><u>Principle 6: Amenity</u></p> <p>It is Considered that the design does not contribute to a positive living environment or resident well-being.</p> <p>The swimming pool only provides for disabled access through a lift system and, as above, does not provide equal access from both sides of the pool, possibly causing conflict when both of the communal areas may be in use.</p> <p>The apartments Level 1 – 5 do not allow for a separation of space between the WC as it is directly accessed through the kitchen / dining / living areas. The upper level apartments and bedrooms are accessed directly off living areas. This does not provide good visual or acoustic privacy.</p>	<p>Non compliances are discussed below.</p>
<p><u>Principle 7: Safety</u></p> <p>It is considered that the design does not provide safety and security within the development and the public domain especially in the area nominated as “residential storage” on the Lower Ground Floor Plan. This area has obscured corners and is generally unsafe in design.</p> <p>The car parking area, whilst seeming to comply numerically is dangerous in its arrangement and will not in fact allow safe turning.</p> <p>Council should consider requesting a CPTED assessment for the proposal.</p>	<p>The communal storage area is not supported.</p>
<p><u>Principle 8: Housing diversity and social interaction</u></p> <p>It is considered that the development does not adequately provide for a mix and/or variety of housing types.</p> <p>The Wollongong Development Control Plan, prepared in accordance with demographic, living needs and household budgets requires:</p> <ul style="list-style-type: none"> • studio and one bedroom units must not be less than 10% of the total mix of units within each development; and • three or more bedroom units must not be less than 10% of the total mix of units within each development <p>The proposal shows 16 x 1-bedroom units (24%), 46 x 2-bedroom units (70%) and 4 x 3-bedroom apartments (6%). The minimum number of three bedroom apartments is not met, as a total of 7 units are required and only 4 are provided. The justification provided for this relies on the 10% being an “arbitrary figure”, and demographics including smaller family sizes, child ages, or childless families.</p>	<p>An appropriate mix is provided.</p>

Objection	Comment
<p>This demographic data cannot be relied on as a reason for justification however as this is (as above) is the first development of this kind in this area so the demographic being relied on is not consistent with the future demographic of the area (as intended by the DCP).</p> <p>By not adhering to the intended apartment mix, this will set precedence for future developments and may in fact deny the public from having the opportunity to a 3br apartment that may have otherwise been provided.</p>	
<p><u>Principle 9: Aesthetics</u></p> <p>It is considered that the design is does not have good proportions, balance of elements or good use of materials, colours and textures.</p> <p>The elevation plans show a large amount of glazing to the East and Western Elevations which should be balanced with solid and glass façade surfaces. The Northern and Southern elevations have only used solid materials for articulation and should include an additional variation in textures.</p>	<p>Concerns are raised in relation to bulk and scale. It is noted the DRP have indicated they are generally supportive of the aesthetics and materials and finishes of the development.</p>
<p><u>Apartment Design Guide</u></p> <p><u>3A site analysis</u></p> <p>The design has not considered the constraints of the site in relation to solar access as shown by the percentage of apartments not receiving adequate solar access.</p>	<p>The minimum solar access requirements are met.</p>
<p><u>3B Orientation</u></p> <p>The design has intentionally not considered future development adjoining the site.</p>	<p>Insufficient analysis has been undertaken of the likely development on adjoining land and the implications for that development resulting from the proposed built form.</p>
<p><u>3C Public domain interface</u></p> <p>Safety and security has not been addressed in the provided “storage” area.</p> <p>The public domain has not been retained or enhanced due to the lack of landscaping area being provided at street level.</p>	<p>The communal storage area is not supported.</p> <p>The landscaped areas are considered acceptable given the constraints presented by services in the footpath and mixed use nature of the building in a high density commercial setting.</p>
<p><u>3D Communal and Public Open Space</u></p> <p>The communal space does not allow for multiple party uses and lacks accessibility.</p> <p>Soft landscaping is provided as garden beds whilst the remaining area is taken up by a communal pool, with only 2 areas for activities.</p>	<p>The communal space is accessible and provides a suitable range of facilities.</p>

Objection	Comment
<u>3F Visual Privacy</u> Setbacks are not in accordance with the ADG as provided in the SEE variation.	This is noted and forms a reason for refusal.
<u>3H Vehicle Access</u> The vehicular access point conflicts with access to commercial premises.	The vehicular access point is considered to be appropriately located not to result in any adverse conflict between vehicles and pedestrians.
<u>3J Bicycle and Car Parking</u> The location of parking spaces is unlikely to meet the requirements for car manoeuvrability in some instances, reducing this rate to non-compliance.	Concerns are raised with overprovision of car parking and building bulk. Manoeuvrability issues are considered to be resolved.
<u>4A Solar and Daylight Access</u> 30% of the apartments do not receive the required solar access.	The design is considered to meet the minimum solar access requirements.
<u>4B Natural Ventilation</u> 12% do not achieve cross ventilation. These apartments also do not achieve required solar access.	The design is considered to meet the minimum natural ventilation requirements.
<u>4D Apartment Size and Layout</u> Bathrooms and bedrooms are accessed directly off kitchen / living / dining areas contrary to objective 4D3	This is noted and forms a reason for refusal.
<u>4G Storage</u> The storage area is not secure or safe.	The communal open space is not supported in its current form due to concerns around safety and accessibility.
<u>4K Apartment Mix</u> The apartment mix does not comply with the requirements of the DCP	A compliant mix is now provided.
<u>4M Facades</u> The design has large areas of glazing or large areas of solid material which should be varied.	It is considered that a suitable mix of materials is provided.
<u>4O Landscape Design</u> Landscape has not been provided at ground level	The landscaped areas are considered acceptable given the constraints presented by services in the footpath.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Traffic, Landscape and Environment Officers have reviewed the proposal and provided conditions.

1.4.2 EXTERNAL CONSULTATION

Design Review Panel

The application was reviewed by the Design Review Panel as required by clause 28 of SEPP 65. One voluntary review was undertaken prior to the lodgement of the development application on the 19 June 2018. A second review by the DRP was undertaken post lodgement on the 9 October 2018. The notes of that meeting are contained at Attachment 8.

Endeavour Energy

Endeavour Energy provided their recommended conditions/general advice relating to implications for their infrastructure. This information has been provided to the applicant.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

A Preliminary Site Investigation (PSI) dated 13 April 2016 was provided along with an update to this PSI dated 28 August 2018 from the same suitably qualified consultant.

The consultant in 2016 found that the site was suitable for the proposed development subject to conditions of consent in relation to contamination but the development application should provide clarification that there have been no activities on the site in the intervening years which would warrant further investigation. The consultant in 2018 confirmed that there have been no changes of the activities undertaken on the site since 2016. The PSI of 2018 confirms that a detailed site investigation under subclause 2 is not considered necessary and the land can be made suitable for the proposed development as required by clause 7 of SEPP 55.

Further sampling and analysis was recommended to be incorporated into a Construction Environment Management Plan to be established for the demolition and construction works.

Council's Environment Officer has reviewed this documentation and has recommended conditions of consent were the application to be supported.

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

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

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

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

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

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

A statement has been prepared by a Registered Architect addressing the requirements of SEPP 65 and was submitted with the application in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000.

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) of the Policy and are discussed below.

Principle 1: Context and neighbourhood character

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

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

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

The locality is characterised by a mixture of medium to low density development, primarily commercial in nature. The height and FSR permitted for the locality under the planning controls will likely see substantial transformation of the area in future towards higher density development. The current proposal will set the tone for that development, particularly in respect of street wall height, bulk and scale. Whilst the applicable planning controls permit a street wall height of between 12-24m, the scale of the podium is also dictated by assessment against a variety of other controls. The applicant has provided contextual analysis in support of the application; however concerns are raised in relation to the public domain.

Principle 2: Built form and scale

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

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

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

The proposal does not meet the minimum separation distances recommended under the Apartment Design Guide and does not comply with the setbacks under the DCP. This is considered to unreasonably impact on future development on adjoining land in that building separation distances are not equitably shared. Suitable spaces between buildings are also not achieved through this approach.

The proposal also includes a large podium which is built to the boundary up to ~23m in height. There is insufficient consideration to the impacts of that design on future development on adjoining land and on the streetscape.

It is noted that Council has undertaken a comprehensive strategic review of planning controls for the Wollongong CBD. The review recommends a more prescriptive approach that designates maximum street wall heights for each locality, rather than considering somewhere between 12-24m as occurs under current controls. The subject site is recommended to have maximum street wall heights of 4 storeys. Whilst this is not a draft planning control, it supports the conclusion that the podium bulk does not appropriately respond to the context.

The development proposes a floor space ratio in excess of that permitted in WLEP 2009 which primarily arises from excessive above ground car parking which contributes to the podium bulk.

Principle 3: Density

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

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

The density of the development exceeds the maximum FSR permitted for the land. This is primarily a result of the excessive above grade car parking. The podium is of an inappropriate scale which detracts from quality design. Service providers including Endeavour Energy have been consulted during the assessment process. The site is well situated with regard to existing public open space, public transport and services. Excessive parking facilities have been provided on site.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

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

BASIX Certificate has been provided indicating minimum requirements are met. A Site Waste Management and Minimisation Plan have been provided. The proposal is an efficient use of land in a location that is close to services and public open space.

Principle 5: Landscape

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

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

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

The proposal involves renewal of the footpath and street trees where possible.

A large landscape communal area is provided on the podium.

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants.

Principle 6: Amenity

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

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

The podium relies on deep slits on each of the common boundaries for amenity. This will be problematic when adjoining buildings are constructed at a comparable height. The development is otherwise generally acceptable in regard to residential amenity.

Principle 7: Safety

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

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

The communal storage area is not considered to be suitably safe area. Otherwise, the development is generally designed to promote safety for occupants and visitors.

Principle 8: Housing diversity and social interaction

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

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

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

The proposal is acceptable in regard to housing diversity and social interaction.

Principle 9: Aesthetics

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

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

The building is considered to incorporate a suitable mix of materials and finishes and is generally acceptable in regard to the design. However, the overall bulk of the podium and non-compliant setbacks and separation distances are considered to result in a building that will be large and bulky. This is considered to adversely affect the streetscape and potential future development as well as to set an undesirable precedent for future development in the locality.

Apartment Design Guide

The proposal does not conform to a number of controls and objectives in the Apartment Design Guide as outlined below. A full compliance table is contained at Attachment 4.

Attachment 4: Apartment Design Guide assessment table

Standard/control	Comment
Part 2 – Developing the controls	
<u>2F Building separation</u>	
Aims	
<ul style="list-style-type: none"> ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook provide suitable areas for communal open spaces, deep soil zones and landscaping. 	
Minimum separation distances for buildings are:	
Up to four storeys (approximately 12m):	
<ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms 	
Five to eight storeys (approximately 25m):	
<ul style="list-style-type: none"> 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms 	
Nine storeys and above (>25m)	
<ul style="list-style-type: none"> 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms 	

The proposal does not comply for levels 1-5. The building is however required to be built to the boundary under clause 8.6 of WLEP 2009 as discussed in the body of the assessment report.

The proposal does not comply. On level 5 setbacks are within the recommended separation/setback controls. Setbacks on the north are ~2.2m from edge of private open space, and ~4.8m from the communal open space edge, and on the south, ~4.8m from the communal open space edge ~3.6m from private open space. The ADG recommends 18m separation for balconies (9m setback from boundary where shared equitably).

For level 6, setbacks from the boundary on the north from habitable rooms and balconies are between 6.34m-4.7m.

The proposal does not comply. Up to level 12 on the northern elevation, habitable rooms are 6.3m and balcony edges 4.7m. On the southern side, habitable rooms are 6.6m and balcony edges 5.7m.

On levels 13 and 14 on the northern side, balcony edges are 4.7m and habitable rooms 8.4m. On the southern side balcony edges are 7.8m and habitable rooms 8.6m.

The variations are justified primarily through

Standard/control	Comment
<p><u>2H Side and rear setbacks</u></p> <p>Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces</p> <p>Test side and rear setbacks with the requirements for:</p> <ul style="list-style-type: none"> • building separation and visual privacy • communal and private open space • deep soil zone requirements 	<p>the provision of louvred screens to address privacy, with the exception of level 5 which does not have any screening.</p> <p>This fails to acknowledge the fact that consideration of appropriate separation under the ADG involves broader consideration of urban form, acoustic privacy, natural ventilation, daylight access, and appropriate massing and spaces between buildings that supports the desired future character.</p> <p>In regard to urban form, the building particularly the podium is considered to be bulky, occupying a large proportion of the airspace of the site.</p> <p>Views towards the west along Market Street</p> <p>Spaces between buildings</p> <p>No consideration has been given to acoustic privacy.</p> <p>See commentary in WDCP 2009 and at 2F above.</p>
Part 3 – Siting the development	
<p><u>3B Orientation</u></p> <p><i>Objective 3B-1</i></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p><u>3F Visual privacy</u></p> <p><i>Objective 3F-1</i></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p>	<p>The podium bulk is not considered to respond to the streetscape.</p> <p>Visual privacy is of concern for level 5 where setbacks to private open space areas and the communal open space are well below those recommended under the ADG.</p>

<i>Standard/control</i>	<i>Comment</i>
<u>3J Bicycle and car parking</u> <i>Objective 3J-6</i> Visual and environmental impacts of above ground enclosed car parking are minimised	The proposal to locate of all the parking above ground and to have excess parking to that required by Council is considered to result in a large bulky podium. This is considered to result in adverse impacts on the streetscape as well as potential future development on adjoining land.
Part 4	
<u>4D Apartment size and layout</u> <i>Objective 4D-3</i> Apartment layouts are designed to accommodate a variety of household activities and needs	A number of units have direct access from bedrooms onto living areas contrary to this control.
<u>4G Storage</u> <i>Objective 4G-2</i> Additional storage is conveniently located, accessible and nominated for individual apartments	Secure storage areas are provided for units within the basement. However, the location of these in a communal location on the lower ground level is not considered convenient and raises safety concerns. Direct access to storage from car parking spaces is considered both more convenient and accessible as well as promoting greater safety.
<u>4H Acoustic privacy</u> <i>Objective 4H-1</i> Noise transfer is minimised through the siting of buildings and building layout	The recommended building separation distances are not met.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

Clause 1.4 Definitions

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

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of ~53m does not exceed the maximum of 60m permitted for the site.

Clause 4.4A Floor space ratio – Wollongong city centre

The proposal does not accurately calculate gross floor area as on levels 2 and 4 the lift lobby areas are wrongly excluded.

Further, the proposal has excess parking to Council requirements that has not been included in the gross floor area calculations. The calculations provided in the submission do not accurately reflect the additional gross floor area that this represents.

Consequently the development exceeds the maximum allowable floor space ratio under this clause as detailed below.

Site area: 1,825m²

Commercial GFA: 775m²

Residential GFA: 5,728m² (See A-001-B dated 1 November 2018)

Surplus car parking:

- **7** excess accessible shared spaces (11 are proposed whereas only 4 would be required to serve the 7 accessible spaces required by Council)
- **3** spaces not numbered
- **8** excess car spaces (65 residential spaces proposed / 57 spaces required)
- Total of **18** excess spaces = 18 x (2.4 x 5.4 - standard car space) x 2 (access to those spaces) = **467m²** additional GFA.

Lobby and hall areas on levels 2 and 4:

~100m²

Total residential GFA: 5,728m² + 467m² + 100m² = **6,295m²**

Total overall GFA: 6,295m² + 775m² = 7,070m²

Proposed FSR: 7,070 / 1,825 = 3.874:1

Maximum FSR permitted under clause 4.4A(4): (NRFSR_xNR/100)+(RFSR_xR/100):1

where:

NR is the percentage of the floor space of the building used for purposes other than residential purposes. (11.6%)

NRFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for purposes other than residential purposes. (5.635)

R is the percentage of the floor space of the building used for residential purposes. (88.4%)

RFSR is the maximum floor space ratio determined in accordance with this clause if the building was to be used only for residential purposes. (3.281)

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

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

where:

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

X = (1,825-800)/1200 = 0.8542

RFSR: 2 + (1.5 x 0.8542) = 3.281

NRFSR: 3.5 + (2.5 x 0.8542) = 5.635

(NRFSR_xNR/100)+(RFSR_xR/100):1

Permitted FSR (5.635 x 0.116) + (3.281 x 0.884) = 0.65366 + 2.900 = 3.554:1

Therefore the proposal exceeds the permitted FSR by 584m² or 9%. The application does not contain an exception to the FSR development standard. Therefore, development consent cannot be granted pursuant to clause 4.6 (3).

Clause 4.6 Exceptions to development standards

Development departure	Clause 8.6 Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes

4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	Yes – See Attachment 6.
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	The objective of the standard is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. Taking account of the fact that there are only low density developments on adjoining land, there is generally no interface between the proposal and adjacent buildings.
the concurrence of the Secretary has been obtained.	N/A

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

A substation is provided at street level and integrated into the podium on the Belmore Street frontage.

Conditions of consent could address specific requirements of utility providers for connection to water, energy and telecommunications if approval was recommended.

Clause 7.5 Acid Sulfate Soils

Council records indicate the land is potentially affected by class 5 acid sulfate soils. A Preliminary Desktop Acid Sulfate Soil Assessment has been provided which is considered to address this clause.

Clause 7.13 Certain land within business zones

The proposal provides commercial space at ground floor level and at least one entrance and at least one other door or window on the front of the building facing the street in accordance with this control.

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

In considering any development within the City Centre Council is required to consider whether the proposed development exhibits design excellence. In determining the design excellence of the development the following matters must be considered:

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

The proposal has been reviewed by the Design Review Panel at pre-lodgement stage and once post lodgement of the DA. Generally speaking, the Panel were supportive of the development.

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

The proposal is considered to have a large and bulky podium which does not give proper consideration to the context and future adjoin development and controls.

The maximum street frontage height in the DCP (to which the proposal conforms) is not considered to be the only measure of the acceptability of podium height and bulk.

The proposal is built to the boundary up to approximately 6 stories in height which is considered to result in an unacceptable relationship to potential future development on adjoining land.

The mass of the podium is largely a result of having 5 levels of above ground car parking; compounded by the fact the development has excess parking to that required by Council.

When the excess car parking area is included in GFA calculations as detailed at clause 4.4A above, it pushes the development over the maximum permitted FSR.

Sufficient geotechnical justification has also not been provided to justify why some of the car parking could not be located below ground.

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

The proposed development does not have regard to a key view corridor identified in Wollongong Development Control Plan 2009, Chapter D13, section 3.10 and 7.2.2. Impacts on the view west towards St Michael's cathedral have not been addressed.

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

N/A

(e) how the proposed development addresses the following matters:

(i) the suitability of the land for development,

Generally speaking, the size and location of the site is suitable for a development of the type proposed, that being a mixed use development with residential tower located above residential and commercial tenancies.

(ii) existing and proposed uses and use mix,

The use of the land is appropriate with respect to the permitted uses and existing uses.

(iii) heritage issues and streetscape constraints,

N/A

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

The separation and setbacks proposed are unacceptable as detailed elsewhere in this report.

(v) bulk, massing and modulation of buildings,

The building bulk is considered unacceptable as detailed elsewhere in this report.

(vi) street frontage heights,

The street frontage height is within the 12-24m permitted under the DCP but is considered unacceptable as detailed elsewhere in this report.

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

Satisfactory.

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

The footpath for the full frontage of the site would be upgraded by the developer, including street trees, in accordance with Council's Public Domain Technical Manual.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

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

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

With the exception of objectives e and h, the application generally meets these objectives. The proposal is for a permissible mixed use commercial and residential building in a business zone. The site is well located in relation to transport options. Concern are raised as to whether the building achieves design excellence appropriate to its context which is discussed within this report.

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

A variation to this clause is requested for the proposal as discussed at clause 4.6.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. A full compliance table can be found at Attachment 5 to this report; only the variations are discussed below:

8. Variations to development controls in the DCP

The applicant has submitted a variation request in relation to side setbacks, parking and crime prevention through environmental design.

Side setbacks

(a) The control being varied;

Chapter D13: Wollongong City Centre – 2.5 Side and rear building setbacks and building separation.

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

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

A zero setback is proposed up to ~21m.

Setbacks on level 5 from private open spaces are as little as 2.2m on the north elevation and 3.7m on the south elevation.

On level 6 the setback to balcony edge is as close as 5m and 6.3m to habitable rooms on the north.

On the south it is 5.7m to the balcony edge and 6.4m to habitable rooms.

The habitable room has openings so could not rely on the lesser setback nor could the balconies, despite the inclusion of louvres.

The setbacks up to 45m repeat the built form below of level 6 as noted above and do not comply.

Levels 13 and 14 sit above 45m and have setbacks of between 4.7m and 8.7m.

The applicant relies heavily on the previous approved built form on the site to justify the variation, but also DRP commentary, site characteristics and provision of privacy screening to the side boundaries.

Previous approval

Part of the argument made for the subject application is a recent development approval (DA-2016/1061) on the site which had some similar characteristics to those now proposed.

A comparison of the previous approval and the subject application is provided below.

Comparison of proposal and DA-2016/1061

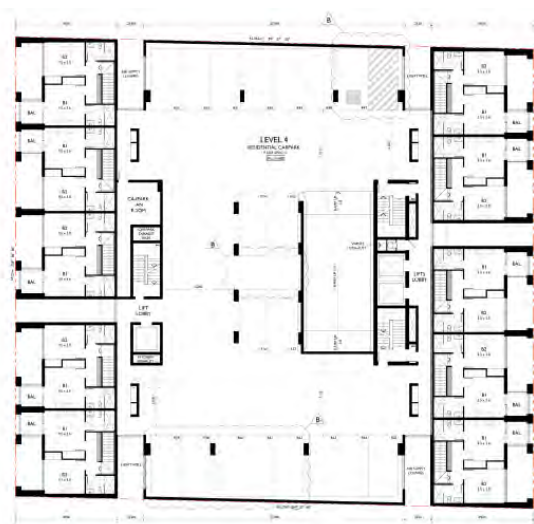
DA-2016/1061

Proposed

East elevation



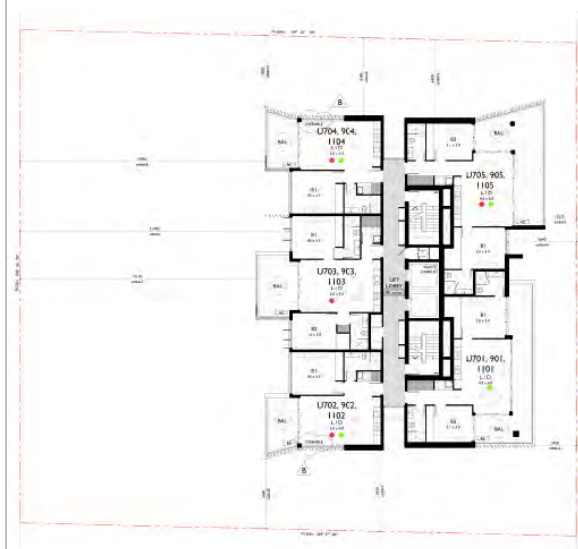
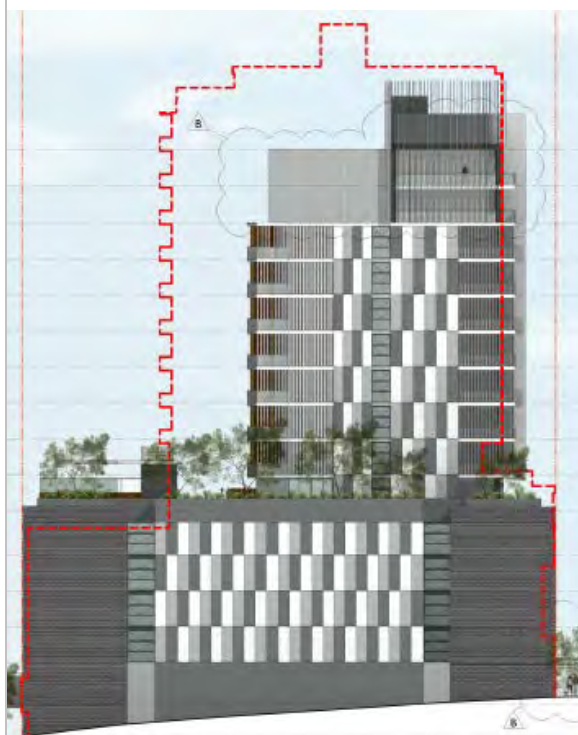
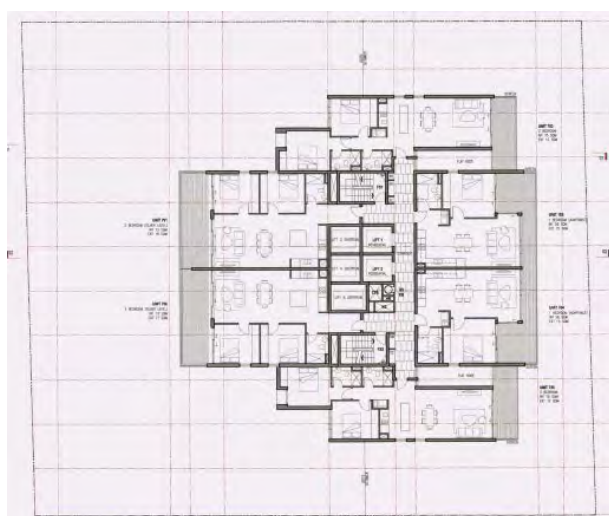
Level 4



South elevation



Level 7



DA-2016/1061 comprised a mixed use development made up of a hotel and associated facilities up to level 6 with residential apartments above. That development had 3 and a half levels of basement car parking as well as recessed areas in the podium up to level 5.

Whilst there are some similarities between the two built forms, the current proposal is not a modification of that development. Further, the nature of DA-2016/1061 is significantly different in that it contained a hotel.

Consideration of prior development approvals is not a legislative or determinative matter for assessing a new development application.

In regard to the above, the approved built form under DA-2016/1061 is not considered to be a substantive argument for the current proposal.

DRP commentary

A further argument for the proposal is the generally supportive view taken by the DRP post lodgement of the DA. Whilst no significant concerns were raised by the Panel, the DRP commentary does not constitute approval of an application and the DRP input is one part of a broader assessment. The DRP notes contain the disclaimer that “the Panel commentary is not an assessment of the overall proposal as relates to compliance with all relevant statutory requirements, but is intended as an information guide for matters relating to urban design generally and associated with SEPP 65 and Clause 7.18 of Wollongong Local Environmental Plan 2009”.

Whilst the DRP support for the application is a key element of any assessment, Council has the ultimate task of making a recommendation on the application in consideration of all the relevant planning controls. In this instance, the proposed setbacks are not supported by Council.

Privacy screening

Privacy screening in the form of vertical louvres is provided along the north and south elevations of the building. This addresses one of the objectives of the setback control however there are broader aspects to be considered in determining the acceptability of setbacks as detailed at point (c) below.

Site characteristics

In terms of characteristics of the site, it is large and not constrained in any particular way that would make compliance unreasonable or unnecessary.

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

The objectives of the control are as follows:

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

The lesser setbacks are considered to have adverse impacts in relation to the streetscape, bulk and acoustic privacy and are not consistent with the objectives of the control.

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

See point (c) above.

Car parking

(a) The control being varied;

Wollongong Development Control Plan 2009 – Chapter D13, 4.4.2 Development Controls

Residential flat buildings

- a) On-site parking is to be accommodated underground, or otherwise integrated into the design of the building.*

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

The proposal provides all the car parking above ground.

The justification for this is the presence of “non-rippable rock” below ground and that provision of car parking in basement would prove cost prohibitive due to difficulty excavating and significantly extend the construction period.

Whilst it is acknowledged that costs and practicalities of excavation are concerns, the submission does not investigate whether some basement could be provided rather than it being an all or nothing approach.

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

The objectives of the control are as follows:

- a) *Facilitate an appropriate level of on-site parking provision in the city to cater for a mix of development types.*
- b) *Minimise the visual impact of on-site parking.*
- c) *Provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).*
- d) *To promote Wollongong city centre as a more lively and vibrant place by providing parking incentives for certain developments in the city centre.*
- e) *To encourage economic growth in the city centre.*
- f) *To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking*

The proposal is not considered to minimise the visual impact of on-site parking. Provision of all the parking above ground results in a bulky podium that would not otherwise be achievable were some or all of the parking located below ground.

This is compounded by the fact the proposal has excess car parking to what is required by Council as detailed at clause 4.4A of the LEP above.

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

As noted at (c) above, the proposal is considered to result in a large and bulky podium that has implications for future development on adjoining land.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The general design and layout of the development is acceptable in regard to the principles of CPTED. Building entries are clear and legible without concealment opportunities. Active street frontages and passive surveillance of the public domain and common areas within the building is provided.

Concern is however raised in regard to the communal storage area within the basement area. The design of that area is considered to present entrapment opportunities. Whilst CCTV has been proposed for that area, this is a reactive rather than preventative measure. A better design of the storage areas is considered possible that provides improved security outcomes.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$19,770,000 and a 2% is applicable under this plan as the threshold value is \$100,000.

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

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

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

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

Conditions of consent could be imposed with regard to demolition.

The Government Coastal Policy only applies to the offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark.

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

The proposal is considered to have an unreasonably large podium in part due to all car parking being located above ground, which is compounded by an overprovision of car parking. The proposal also does not comply with the recommended setback/separation controls and does not have regard to the impacts associated with that non-compliance.

The proposal is considered to be unsupportable with regard to these impacts.

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

Generally speaking, the site has proportions and is located in an area which is suitable for the type of development proposed.

Documentation has been submitted with the development application indicates “non-rippable rock” which would present challenges to excavation. It has not however been demonstrated that this justifies the design response in locating all car parking above ground.

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

One submission was received as discussed at section 1.3 of this report.

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

The application is not supported in its current form and is not considered to be in the public interest as it results in adverse impacts and would set an undesirable precedent.

3 RECOMMENDATION

This application has been assessed unsatisfactory having regard to Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of the relevant planning instruments including Wollongong LEP 2009 and SEPP 65, ADG, Wollongong DCP 2009, Codes and Policies.

The design of the development is inappropriate as outlined in this report resulting in adverse impacts by way of bulk, non-compliant separation/setbacks and excess parking.

The application involves a variation to the building separation under WLEP2009, which has been supported by satisfactory justification. However, as noted above the application also proposed a departure from the FSR control due to excessive parking and justification has not been provided.

The proposal involves variations under WDCP2009. Variation request statements and justification have been provided for the non-compliances in accordance with Chapter A1 of WDCP2009. The variations have been considered and are not supported in this instance

Internal referrals are satisfactory and the comments of the DRP and submissions have been considered in the assessment.

It is considered that the proposed development has not been designed appropriately given the nature and characteristics of the site and is likely to result in significant adverse impacts on the character or amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that the development application DA-2018/803 be approved subject to the draft conditions at Attachment 9.

5 ATTACHMENTS

1. Aerial photograph
2. WLEP zoning map
3. Plans
4. ADG compliance table
5. WDCP compliance tables
6. Clause 4.6 variation request
7. Pre-lodgement notes
8. Design Review Panel notes (9 October)
9. Draft refusal

Attachment 2 – aerial photograph



Project : Young & Belmore Street, WOLLONGONG

Project No: 2018-14
Date: April 2018

	Controls	Proposed
Site Area (m²)	1825m²	
Wollongong LEP 2009		
Land use	B3 Commercial Core	Mixed Use Development
FSR	Refer Fig.B	3.56348.1
Height (m)	60m	Max Overall Height: 53.16m

Level	Commercial GFA	Residential GFA	1 bdrm	2 bdrm	3 bdrm	Unit Totals
Lower Ground	150	31				
Upper Ground	625	45				
Level 1		522	0	10	0	10
Level 2		457	0	0	0	0
Level 3		522	0	10	0	10
Level 4		457	0	0	0	0
Level 5		391	0	2	2	4
Level 6		359	2	3	0	5
Level 7		359	2	3	0	5
Level 8		359	2	3	0	5
Level 9		359	2	3	0	5
Level 10		359	2	3	0	5
Level 11		359	2	3	0	5
Level 12		359	2	3	0	5
Level 13		278	0	0	2	2
Level 14		278	0	0	2	2
Excess Car Parking (9 cars + aisle)		234				
Total	775	5728	14	43	6	63
Unit Mix			22%	68%	10%	100%
Total Units		63				
Total GFA		6503				
Maximum Permissible GFA		6503				

Car Parking Requirements (RMS)	Min. rate	Allowable	Provided
Commercial	1/60m ²	13	13
1 bdrm	0.6/unit	8.4	14
2 bdrm	0.9/unit	38.7	43
3 bdrm	1.4/unit	8.4	8
Visitor	1/5 units	13	13
Total		82	91

Accessible Parking Requirements	No. of Units	Allowable	Provided
Accessible Units 10% Residential	63	7	10
Accessible Commercial		1	2
Total		8	12

Bicycle Requirements	Min. rate	Allowable	Provided
Commercial Visitors	1/1000m ²	1	1
Staff Bicycles	1/750m ²	2	2
Residential	1/3 units	24	24
Visitor Bicycles	1/12 units	6	6
Total		33	33

Motorcycle Requirements	Min. rate	Allowable	Provided
Commercial	1/25 car spaces	1	1
Residential	1/15 units	5	5
Total		6	6

Waste Management		Garbage	Green	Recycling
Residential	Rate:	80L/unit/week		80L/unit/fortnight
	Weekly Total:	5040L		5040L
Total Bins Required	240L	21	1	21
Total Bins Provided	240L	21	1	21
Commercial Premises	Rate:	50L/100m ² /day		50L/100m ² /day
	Weekly Total:	2712L		2712L
Total Bins Required	1100L	3		3
Total Bins Provided	1100L	3		3

Figure A: Land Zoning Map



B3 Commercial Core

Figure B: Floor Space Ratio Map



Figure C: Heritage Map



Figure D: Height of Building Map



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

- (a) $(2 + 1.5X):1$ if the building is used only for residential purposes, or
(b) $(3.5 + 2.5X):1$ if the building is used only for purposes other than residential purposes, where:

X is (the site in square metres - 800) / 1200 = 0.854

- (a) 3.281 : 1
(b) 5.635 : 1

Therefore:

- Commercial component constitutes 12% of the development.

and

- Residential component constitutes 88% of the development.

The resultant ratio calculation for the site is $(12\% \times 5.635) + (88\% \times 3.281) = 3.56348:1$

The FSR calculation is therefore $3.56348 \times 1825m^2 = 6503m^2$

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a NOMINATED ARCHITECT- The nominated Architect for ADM Projects (Australia) Pty Ltd T/AS ADM Architects is Angelo Di Martino ARB No.7608

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA

NOT FOR CONSTRUCTION



94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
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Project
PROPOSED MIXED USE BUILDING
COMPRISING OF RESIDENTIAL APARTMENTS
ABOVE RETAIL / COMMERCIAL PREMISES
AND CARPARKING

At
28-32 YOUNG STREET,
29-31 BELMORE STREET,
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SITE/DEVELOPMENT SUMMARY

Scale: NTS Date: NOVEMBER 2018

Drawn: SJ Checked: ADM

Project No: 2018-14 Drawing No: A-001 Issue: B

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PROPOSED DEVELOPMENT & DA 2016/1061 OUTLINE

CONTEXTUAL AERIAL PERSPECTIVE VIEW 01 - LOOKING SOUTH WEST

* BACKGROUND IMAGE TAKEN FROM BING MAPS 2018



PROPOSED DEVELOPMENT & DA 2016/1061 OUTLINE

CONTEXTUAL AERIAL PERSPECTIVE VIEW 02 - LOOKING NORTH WEST

* BACKGROUND IMAGE TAKEN FROM BING MAPS 2018

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ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	06.11.18	AMENDED FOR DA

NOT FOR CONSTRUCTION

LEGEND

----- OUTLINE OF APPROVED DA
2016/1061



94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

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

At
28-32 YOUNG STREET,
29-31 BELMORE STREET,
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
CONTEXTUAL AERIAL PERSPECTIVES

Scale	Date
NTS	NOVEMBER 2018

Drawn	Checked
SJ	ADM

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LEGEND

--- OUTLINE OF POSSIBLE FUTURE DEVELOPMENTS

--- PERMISSIBLE BUILDING HEIGHT

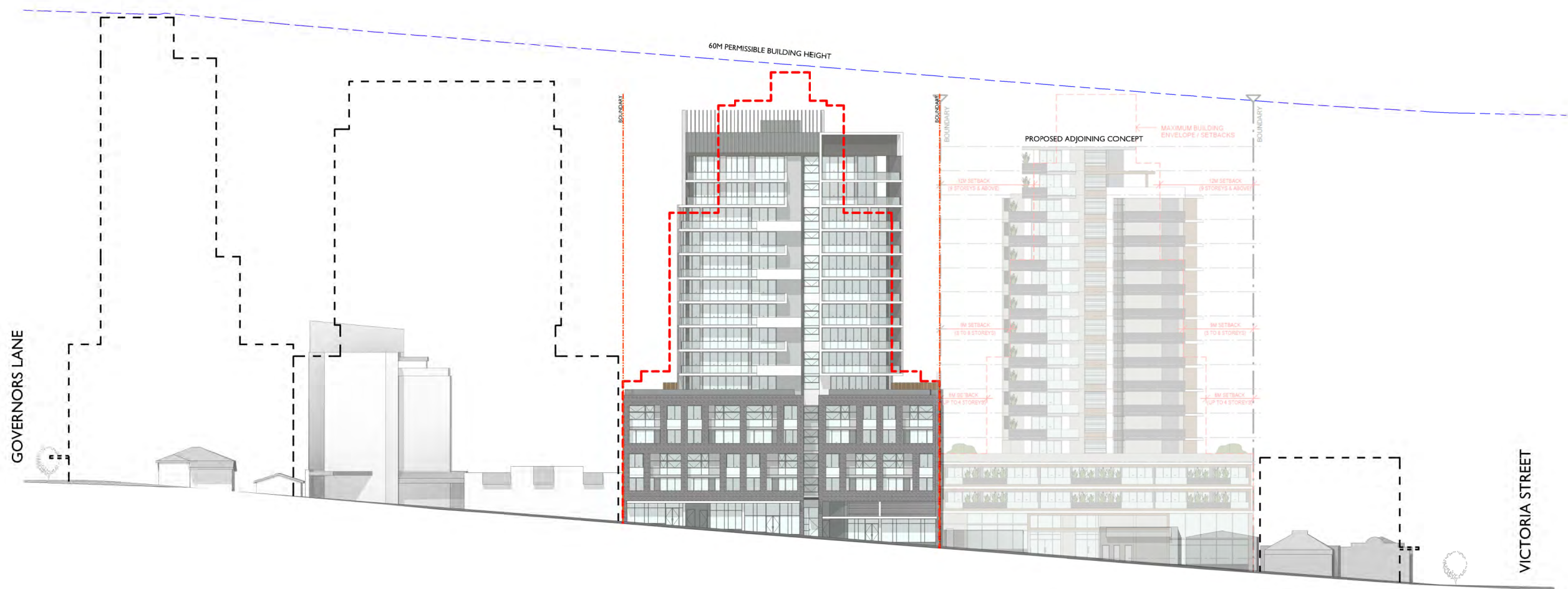


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Title
DEVELOPMENT APPLICATION
CONTEXTUAL STREETSCAPE 1 OF 2

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LGD SJ DQ	ADM

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CONTEXTUAL STREETSCAPE
YOUNG STREET ASPECT

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LEGEND

- OUTLINE OF APPROVED DA 2016-1061 SHOWN DASHED
- OUTLINE OF POSSIBLE FUTURE DEVELOPMENTS
- PERMISSIBLE BUILDING HEIGHT



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CONTEXTUAL STREETSCAPE 2 OF 2

Scale 1:300 @ A1 1:600 @ A3		Date NOVEMBER 2018
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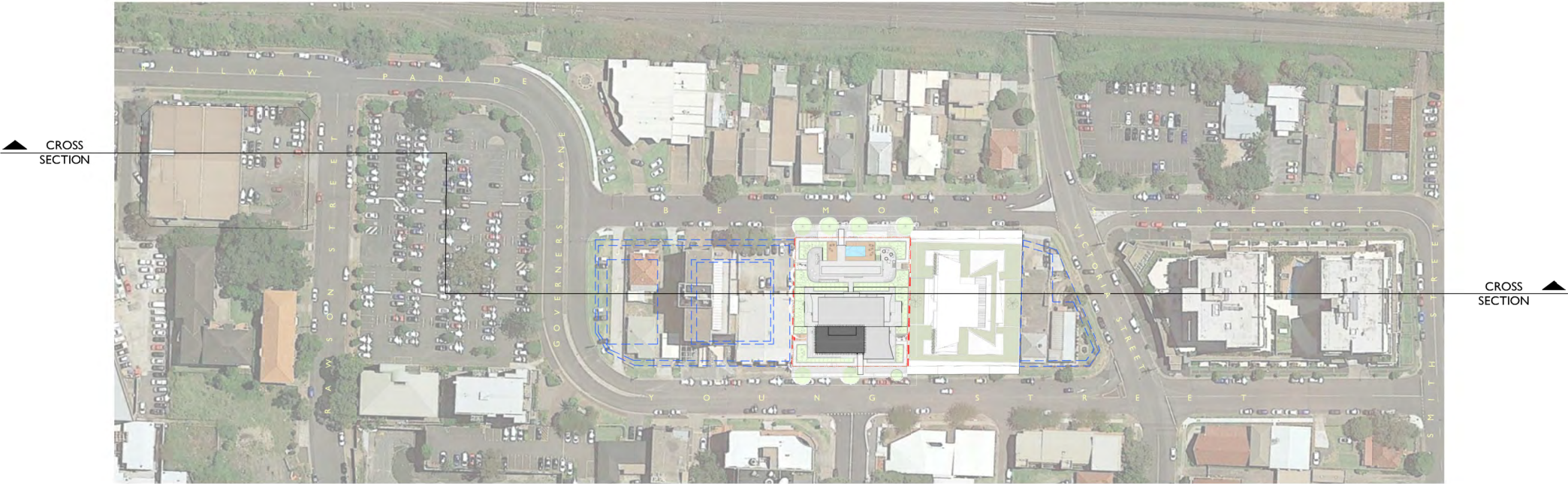
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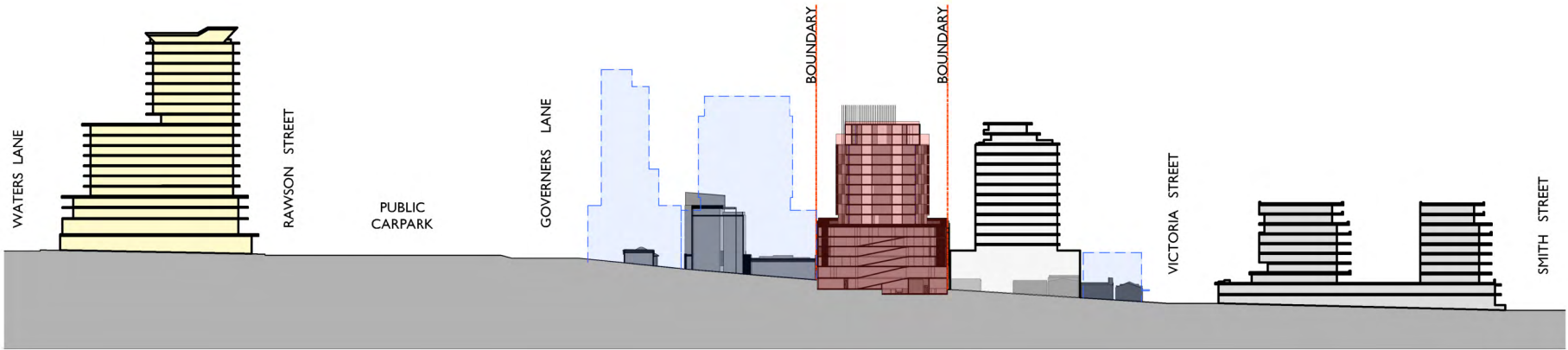
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LEGEND

- PROPOSED DEVELOPMENT
- EXISTING BUILDINGS
- APPROVED DA-2014 / 1262
- POTENTIAL FUTURE DEVELOPMENT
- PROPOSED ADJOINING CONCEPT



AERIAL MAP



CONTEXTUAL LONGITUDINAL SECTION



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Scale NTS	Date NOVEMBER 2018	
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PHOTOMONTAGE I
LOOKING WEST FROM CORNER OF RICHARDSON AND MARKET STREET TOWARDS SUBJECT SITE

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Title
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PHOTOMONTAGE I

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PHOTOMONTAGE 2
LOOKING SOUTH FROM CORNER OF YOUNG AND SMITH STREET TOWARDS SUBJECT SITE

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PHOTOMONTAGE 2

Scale	Date
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PHOTOMONTAGE 3
LOOKING SOUTH ALONG BELMORE STREET TOWARDS SUBJECT SITE

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Title
DEVELOPMENT APPLICATION
PHOTOMONTAGE 3

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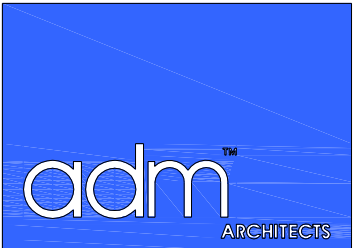


PHOTOMONTAGE 4
LOOKING NORTH FROM GOVERNORS LANE TOWARDS SUBJECT SITE

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DEVELOPMENT APPLICATION
PHOTOMONTAGE 4

Scale	Date
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PHOTOMONTAGE 5
LOOKING NORTH FROM NEARBY PUBLIC PARKING LOT TOWARDS SUBJECT SITE

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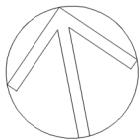
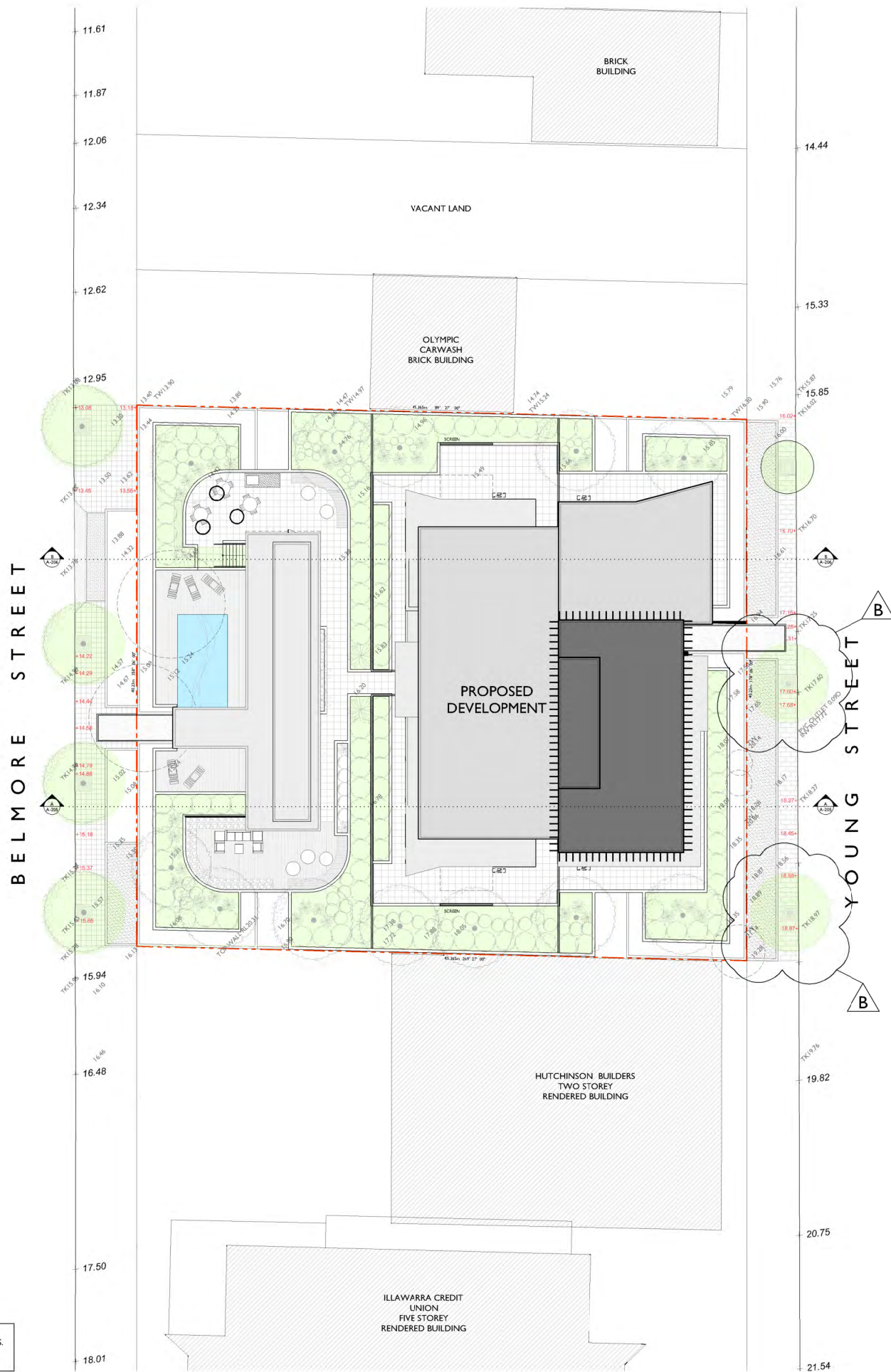
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Title DEVELOPMENT APPLICATION PHOTOMONTAGE 5		
Scale NTS	Date NOVEMBER 2018	
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Project No. 2018-14	Drawing No. A-012	Issue B

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SITE PLAN

NOTE: REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR
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Title
DEVELOPMENT APPLICATION
SITE PLAN

Scale 1:100 @ A1 1:200 @ A3	Date NOVEMBER 2018
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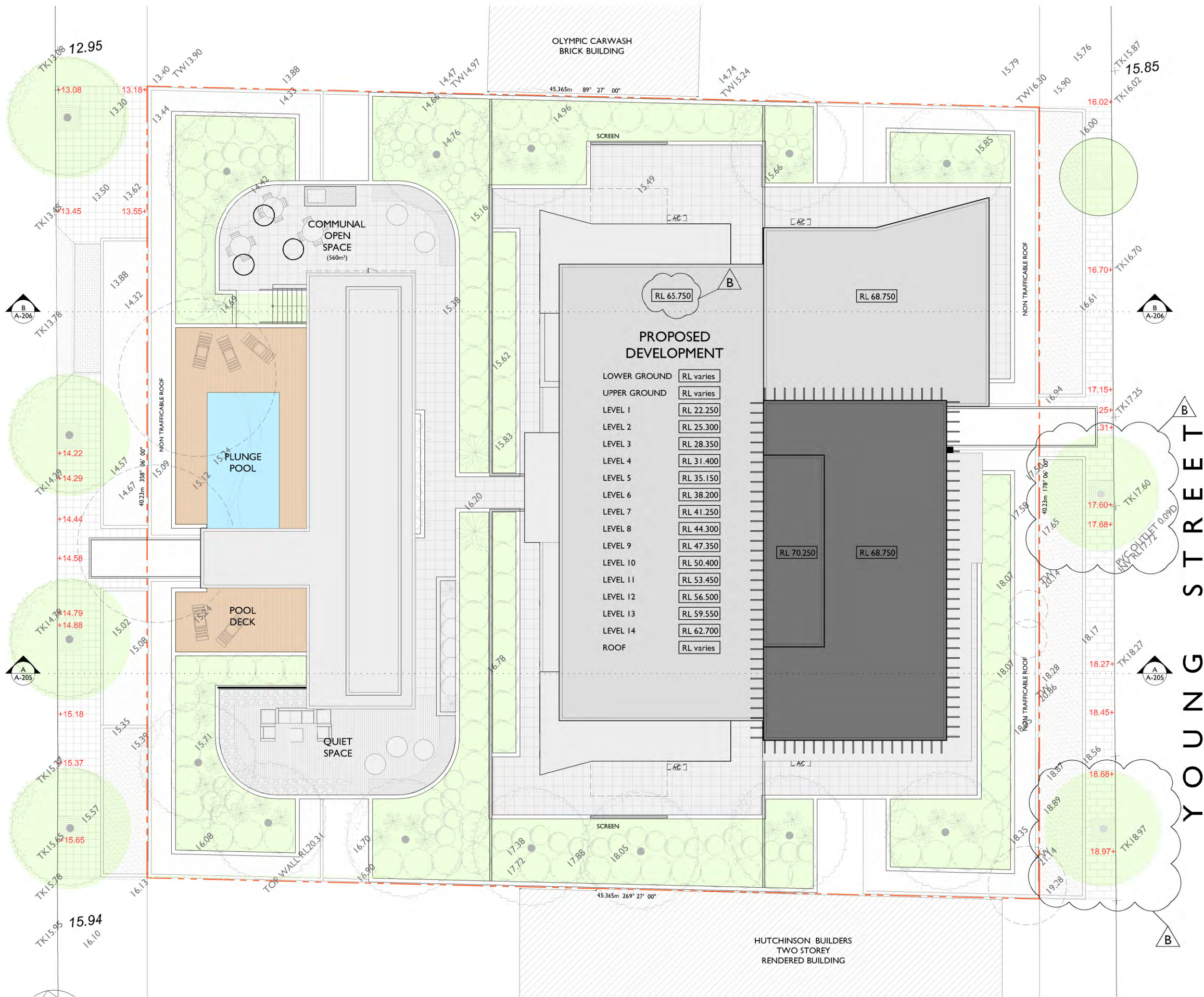
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Project No. 2018-14	Drawing No. A-100	Issue B
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BELMORE STREET

YOUNG STREET



DETAILED SITE PLAN

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LEGEND

- EXISTING RELATIVE LEVEL (AHD)
- PROPOSED STRUCTURAL LEVEL (AHD)
- PROPOSED SURFACE FLOOR LEVEL
- NEIGHBOURING BUILDING
- PROPOSED BUILDING
- PROPOSED LANDSCAPING



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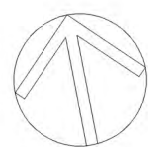
Title
DEVELOPMENT APPLICATION
DETAILED SITE PLAN

Scale
1:100 @ A1
1:200 @ A3
Date
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LEVEL I FLOOR PLAN

LEVEL I

RL 22.250

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DEVELOPMENT APPLICATION
LEVEL I FLOOR PLAN

Scale	Date
1:100 @ A1	NOVEMBER 2018
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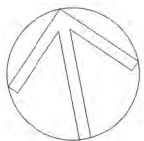
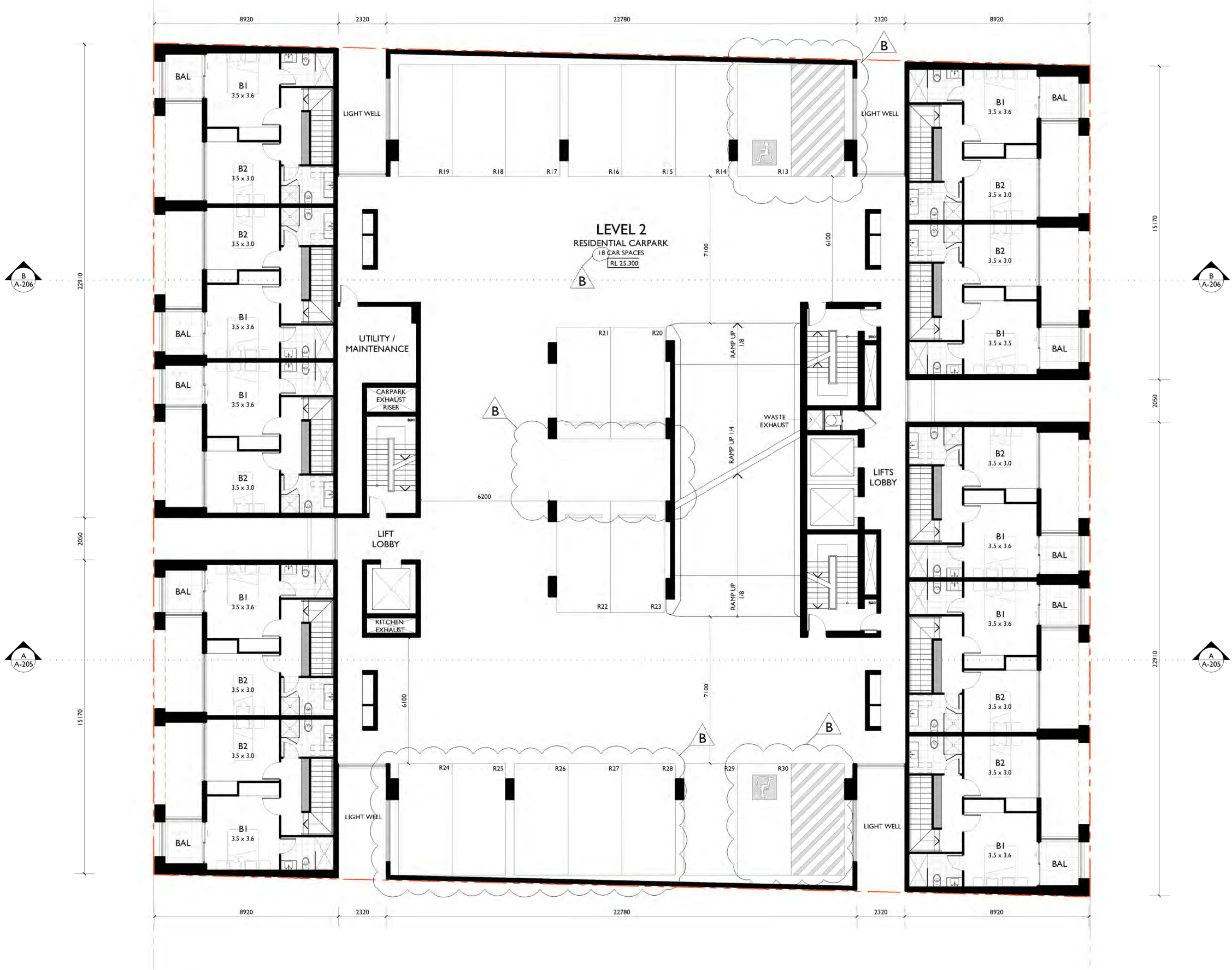
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LEVEL 2 FLOOR PLAN

Scale 1:100 @ A1 1:200 @ A3	Date NOVEMBER 2018
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LEVEL 2 FLOOR PLAN

LEVEL 2

RL 25.300

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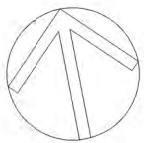
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LEVEL 3 FLOOR PLAN

Scale 1:100 @ A1 1:200 @ A3	Date NOVEMBER 2018
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LEVEL 3 FLOOR PLAN

LEVEL 3 RL 28.350

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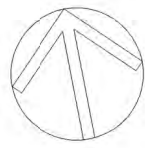
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DEVELOPMENT APPLICATION
LEVEL 4 FLOOR PLAN

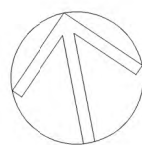
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LEVEL 4 FLOOR PLAN

LEVEL 4 RL 31.400



LEVEL 5 FLOOR PLAN

LEVEL 5

RL 35.150

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For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 6 FLOOR PLAN

Scale
1:100 @ A1
1:200 @ A3

Date
NOVEMBER 2018

Drawn
LGD SJ

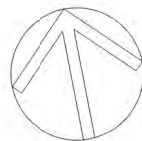
Checked
ADM

Project No.
2018-14

Drawing No.
A-109

Issue
B

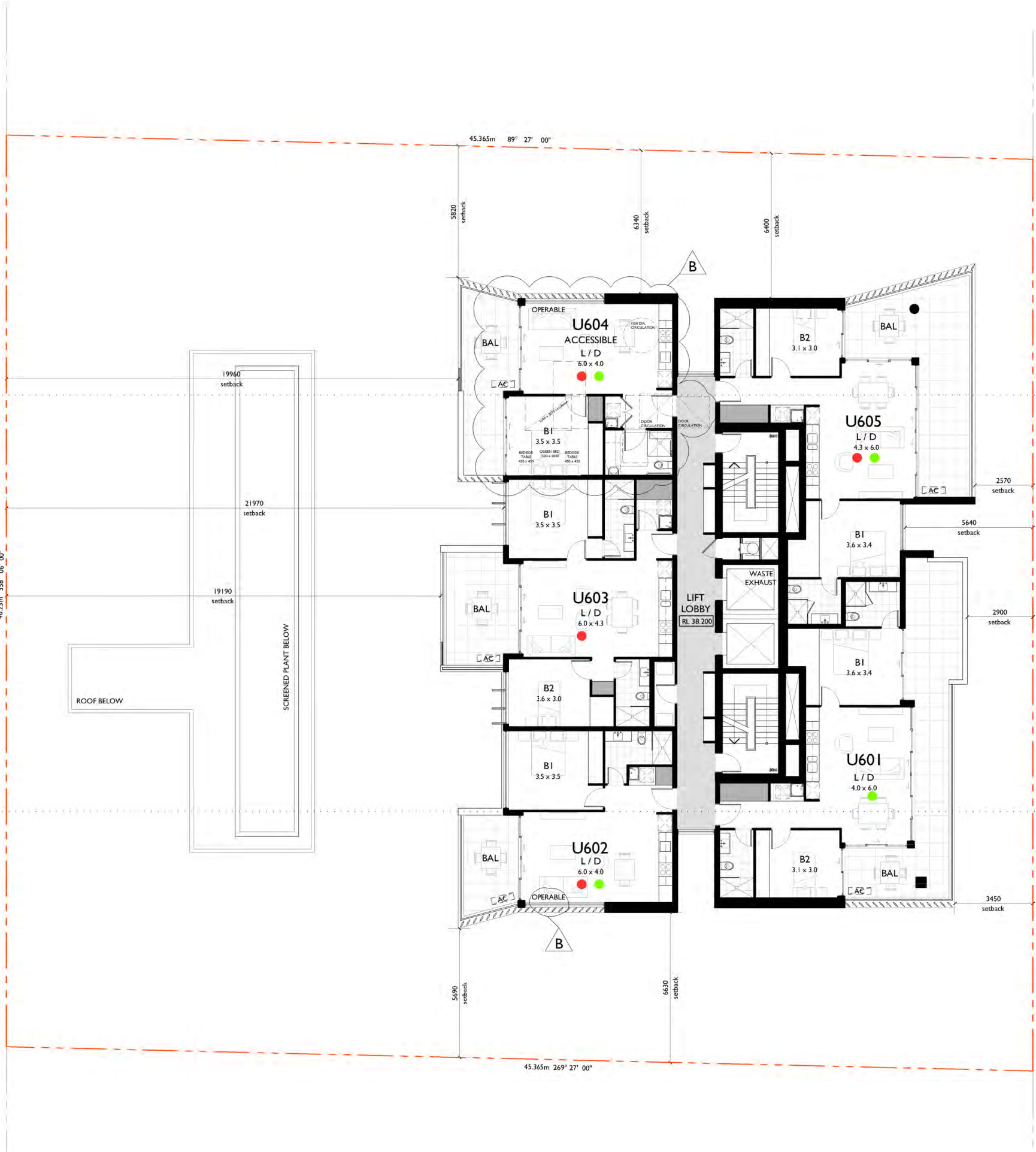
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LEVEL 6 FLOOR PLAN

LEVEL 6

RL 38.200



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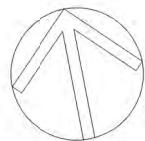
Title
DEVELOPMENT APPLICATION
LEVEL 7, 9 & 11 FLOOR PLAN

Scale 1:100 @ A1 1:200 @ A3	Date NOVEMBER 2018
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Drawn LGD SJ	Checked ADM
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Project No. 2018-14	Drawing No. A-110	Issue B
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LEVEL 7, 9 & 11 FLOOR PLAN

LEVEL 7	RL 41.250	LEVEL 9	RL 47.350
LEVEL 11	RL 53.450		

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For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 8, 10 & 12 FLOOR PLAN

Scale
1:100 @ A1
1:200 @ A3

Date
NOVEMBER 2018

Drawn
LGD SJ

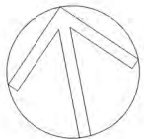
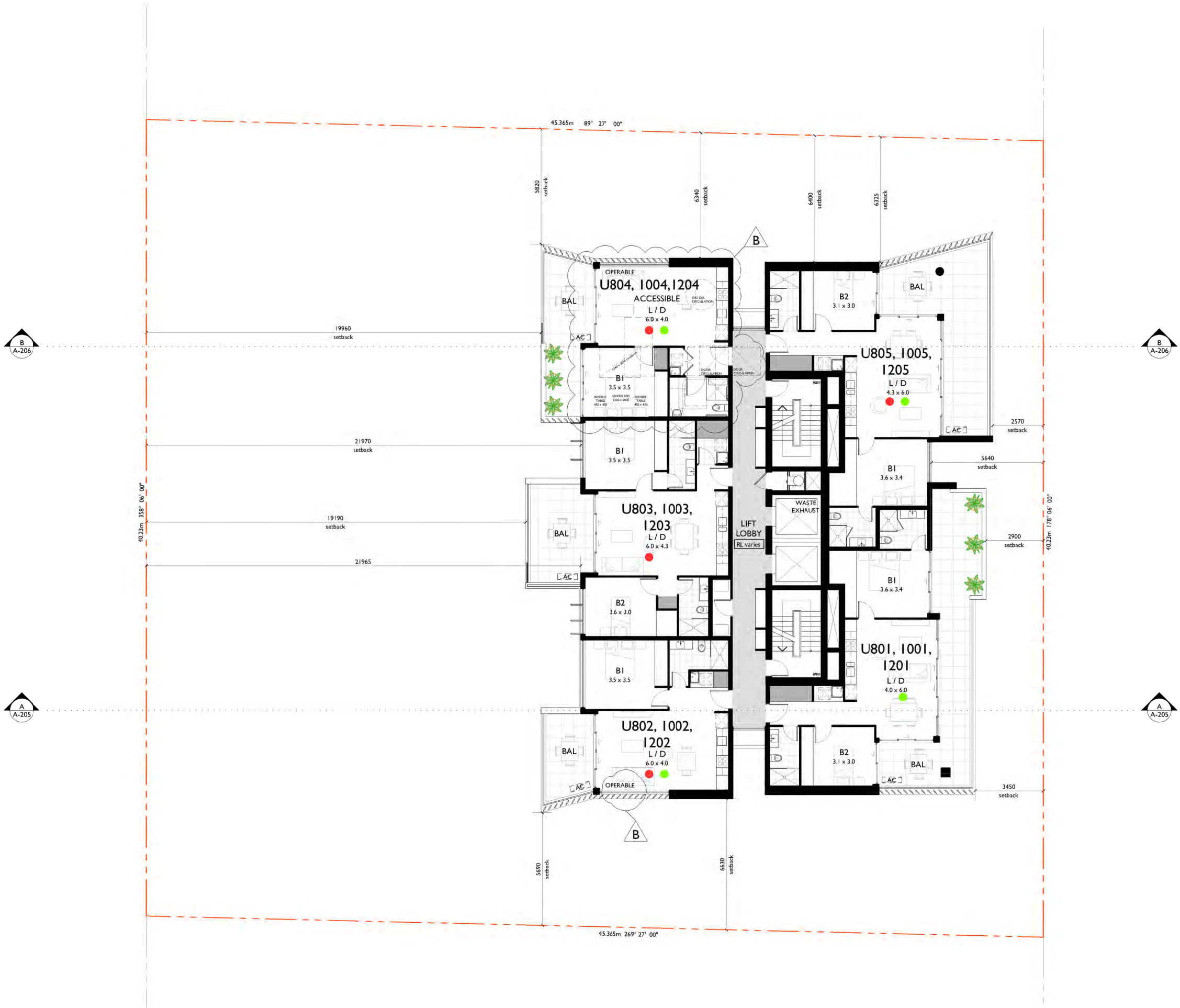
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ADM

Project No.
2018-14

Drawing No.
A-III

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LEVEL 8,10 & 12 FLOOR PLAN

LEVEL 8	RL 44.300	LEVEL 10	RL 50.400
LEVEL 12	RL 56.500		

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For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
LEVEL 13 FLOOR PLAN

Scale
1:100 @ A1
1:200 @ A3

Date
NOVEMBER 2018

Drawn
LGD SJ

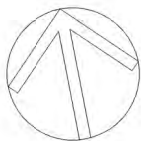
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2018-14

Drawing No.
A-112

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LEVEL 13 FLOOR PLAN

LEVEL 13

RL 59.550

40.23m 158° 06' 00"

40.23m 178° 06' 00"

45.365m 89° 27' 00"

45.365m 269° 27' 00"

21970
setback

2570
setback

3450
setback

8890
setback

7940
setback

8440
setback

6400
setback

4460
setback

B3
3.0 x 3.5

B2
3.0 x 3.5

B1
3.6 x 3.5

B1
3.5 x 3.7

B3
3.0 x 3.1

F
4.5 x 3.4

UI302
ADAPTABLE
L / D
4.1 x 6.1

UI301
ADAPTABLE
D
5.2 x 4.0

L
4.4 x 4.5

LIFT
LOBBY
RL 59.550

WASTE
EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

F

UI302

ADAPTABLE

L / D

4.1 x 6.1

UI301

ADAPTABLE

D

5.2 x 4.0

L

4.4 x 4.5

LIFT

LOBBY

RL 59.550

WASTE

EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

F

UI302

ADAPTABLE

L / D

4.1 x 6.1

UI301

ADAPTABLE

D

5.2 x 4.0

L

4.4 x 4.5

LIFT

LOBBY

RL 59.550

WASTE

EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

F

UI302

ADAPTABLE

L / D

4.1 x 6.1

UI301

ADAPTABLE

D

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L

4.4 x 4.5

LIFT

LOBBY

RL 59.550

WASTE

EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

F

UI302

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UI301

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L

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LIFT

LOBBY

RL 59.550

WASTE

EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

F

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UI301

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WASTE

EXHAUST

K

K

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B3

BAL

B3

B2

B1

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K

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BAL

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WASTE

EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

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UI301

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K

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B3

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B3

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B1

B3

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UI302

ADAPTABLE

L / D

4.1 x 6.1

UI301

ADAPTABLE

D

5.2 x 4.0

L

4.4 x 4.5

LIFT

LOBBY

RL 59.550

WASTE

EXHAUST

K

K

BAL

B3

BAL

B3

B2

B1

B1

B3

F

UI302

ADAPTABLE

L / D

4.1 x 6.1

UI301

ADAPTABLE

D

5.2 x 4.0

L

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Title
DEVELOPMENT APPLICATION
LEVEL 14 FLOOR PLAN

Scale
1:100 @ A1
1:200 @ A3

Date
NOVEMBER 2018

Drawn
LGD SJ

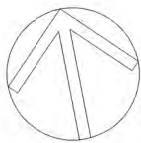
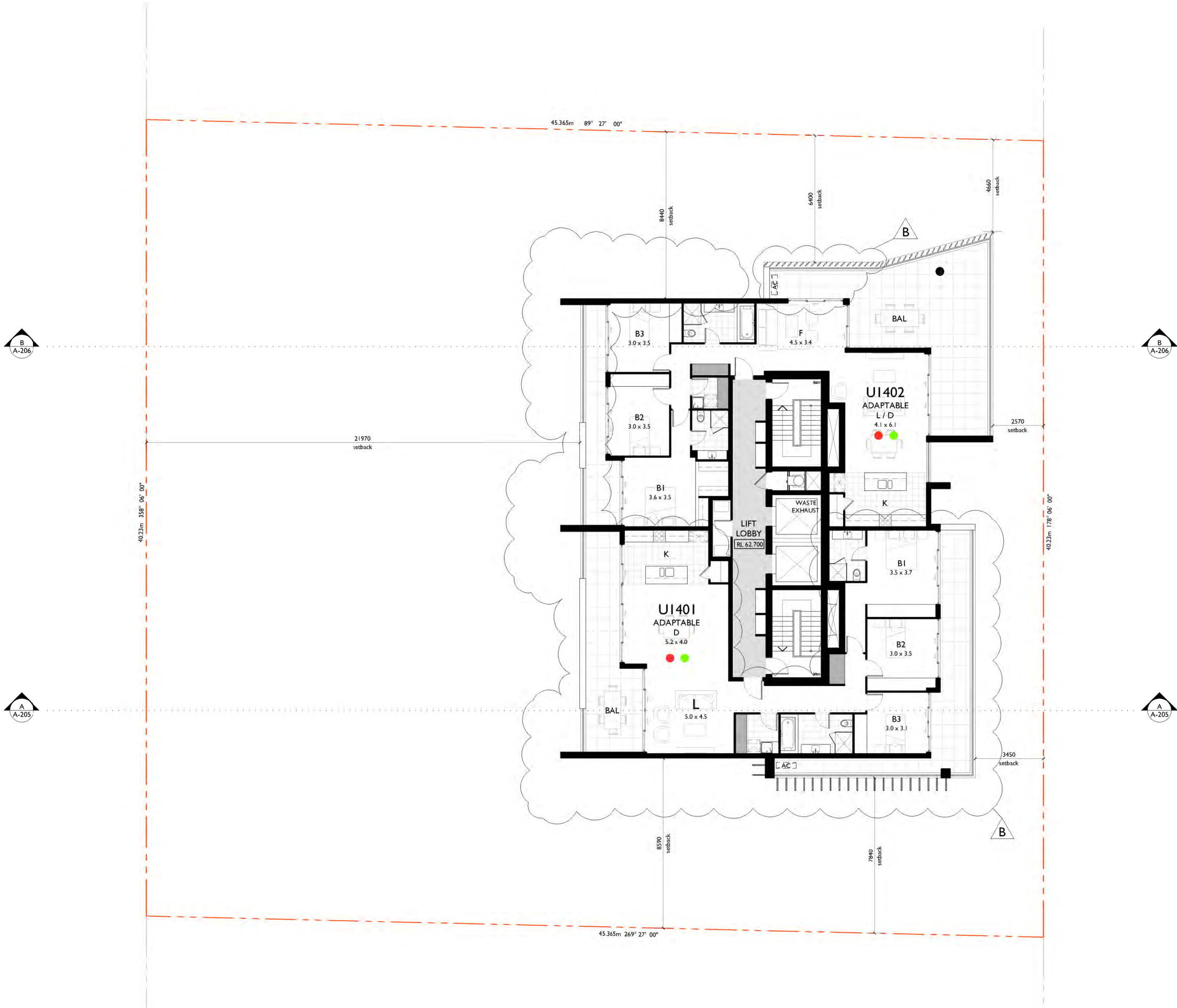
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ADM

Project No.
2018-14

Drawing No.
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LEVEL 14 FLOOR PLAN

LEVEL 14

RL 62.700

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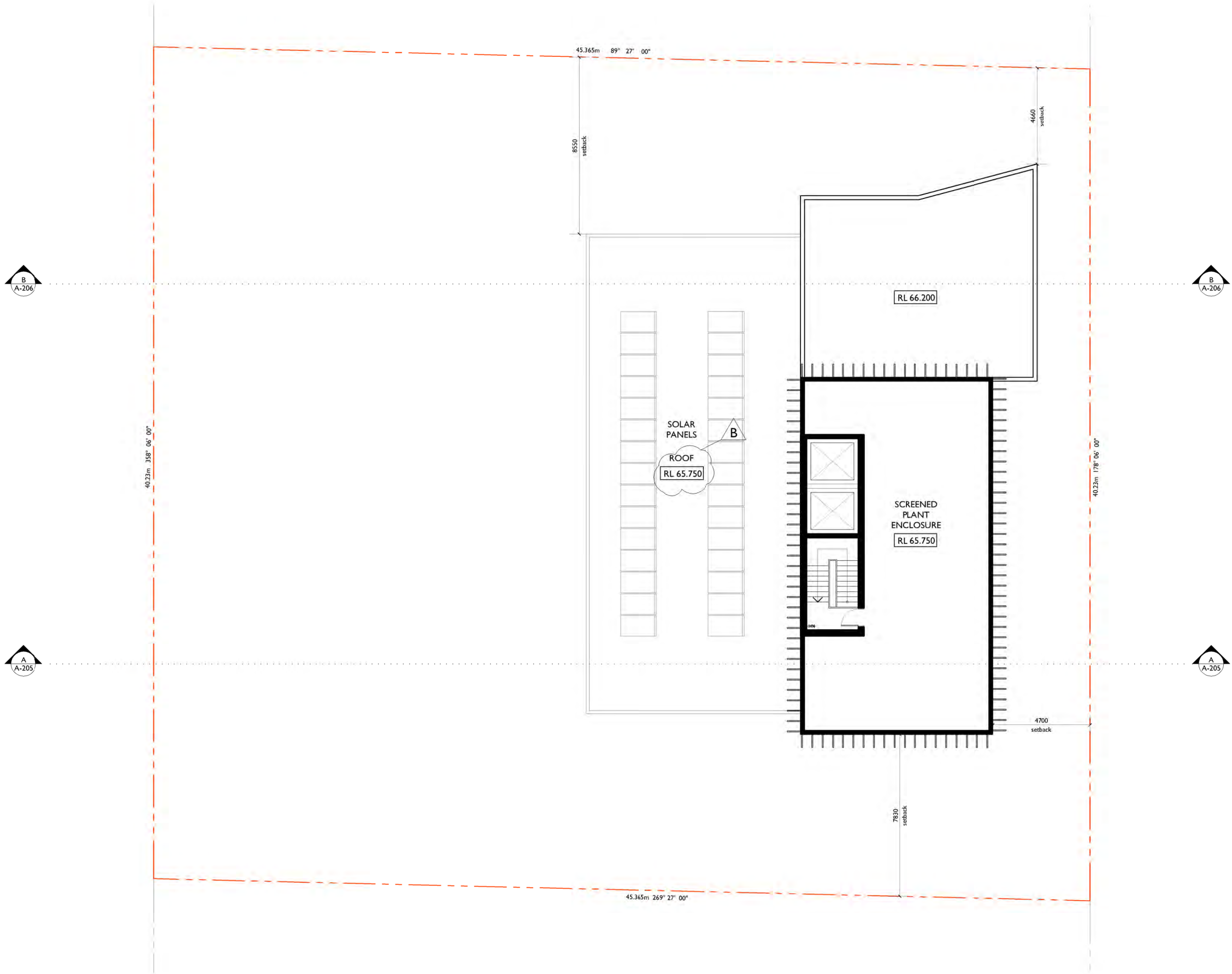
Title
DEVELOPMENT APPLICATION
ROOF PLAN

Scale 1:100 @ A1 1:200 @ A3	Date NOVEMBER 2018
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Drawn LGD SJ	Checked ADM
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Project No. 2018-14	Drawing No. A-114	Issue B
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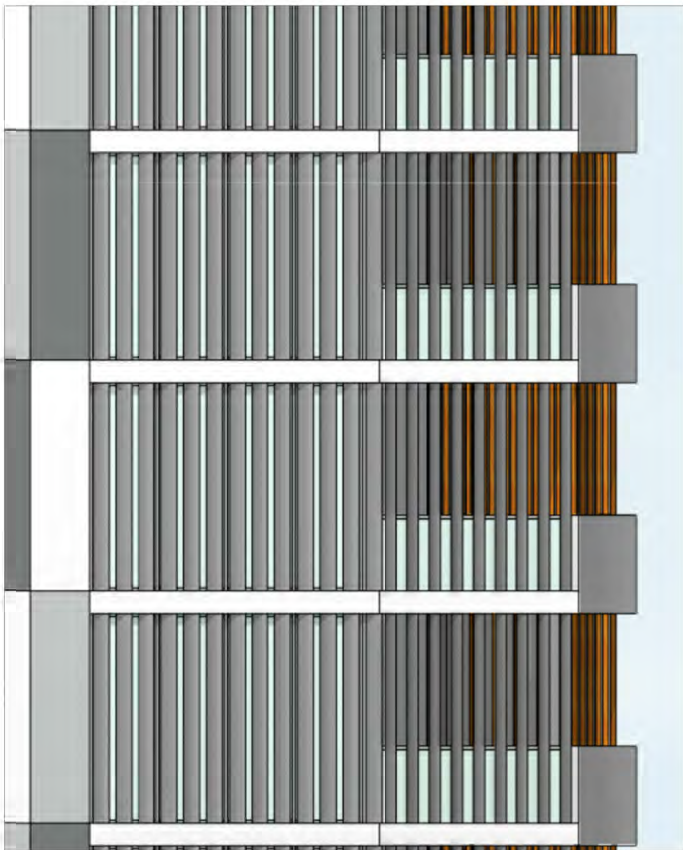


ROOF PLAN

ROOF

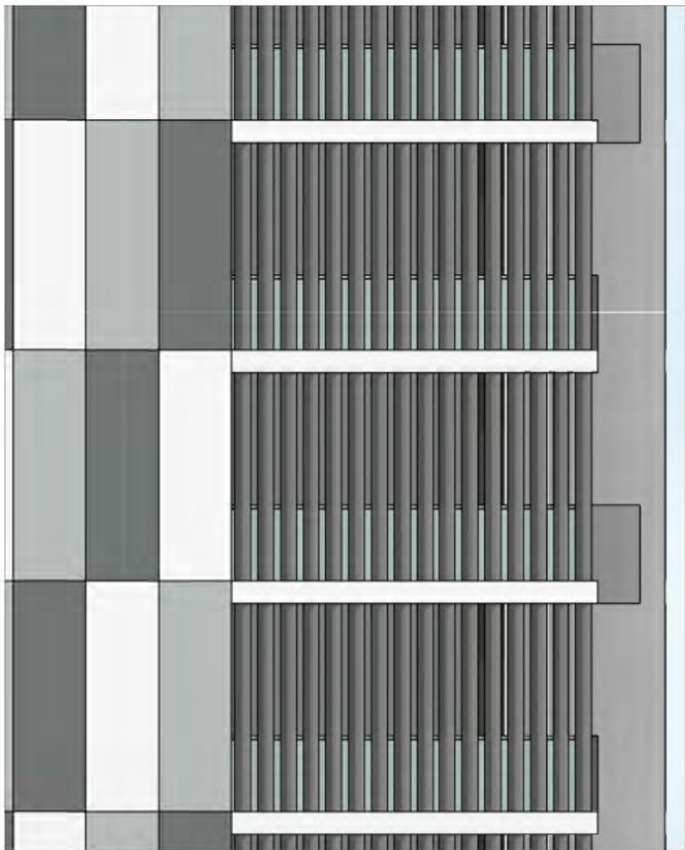
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NORTH FACADE LEVEL 6-13



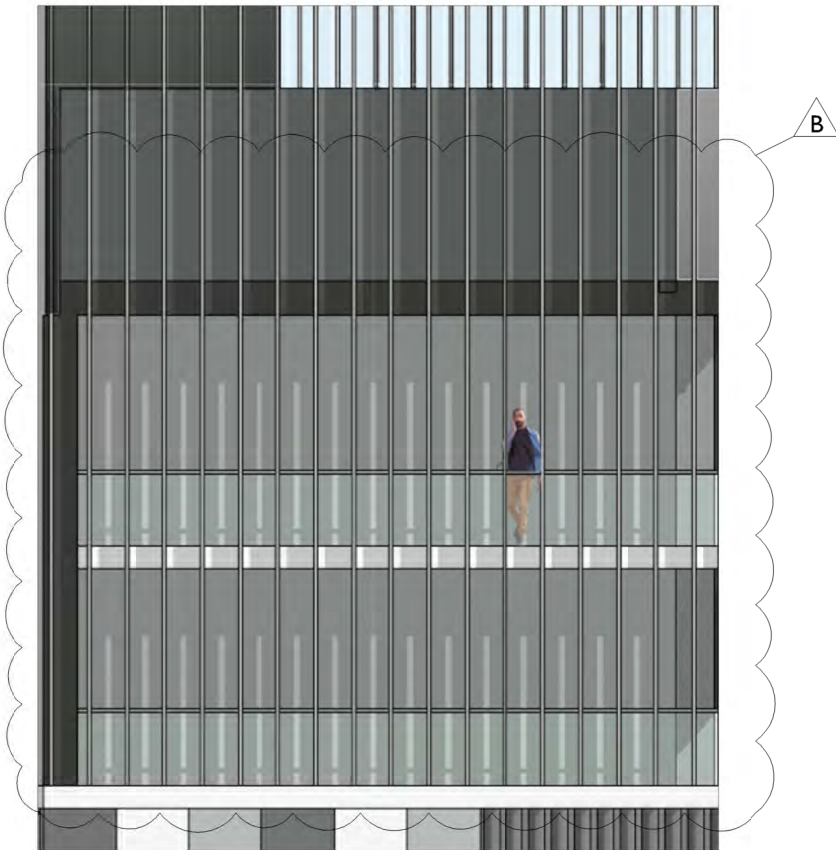
ELEVATION

SOUTH FACADE LEVEL 6-13

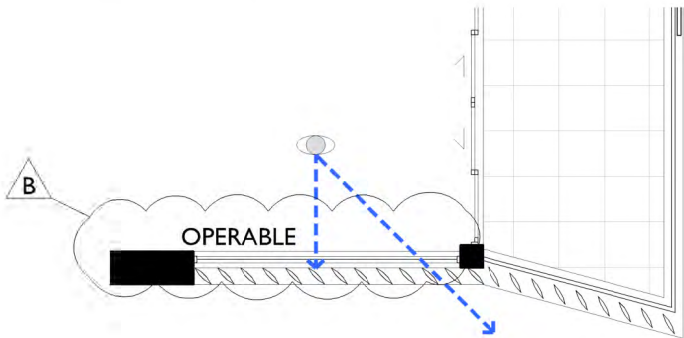


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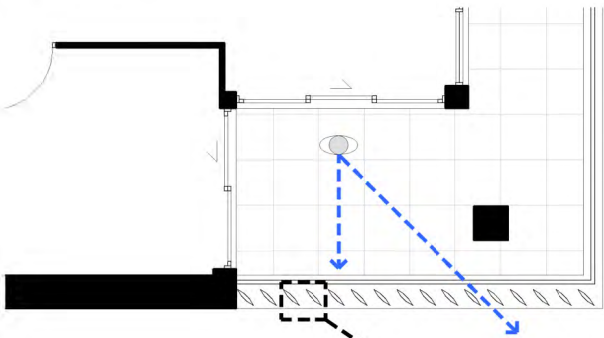
SOUTH FACADE LEVEL 14



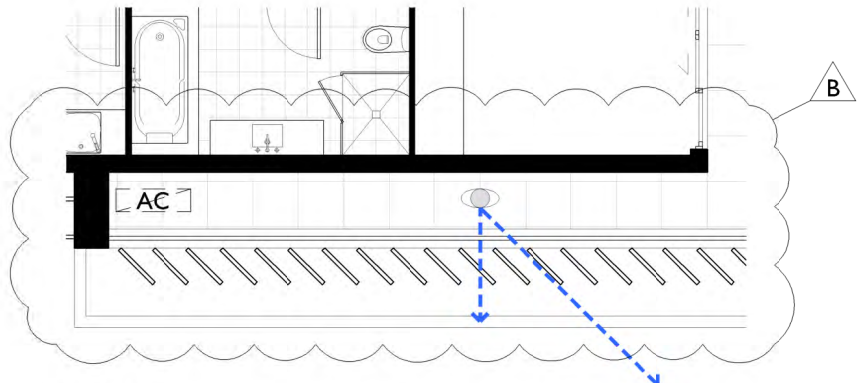
ELEVATION



PLAN

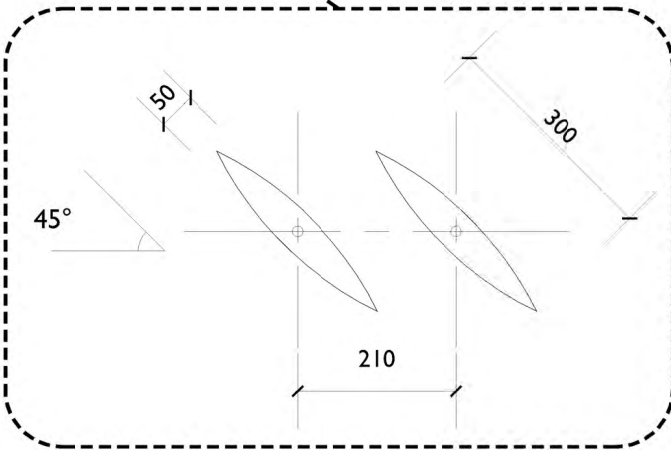


PLAN



PLAN

- General notes:
- Louvres to preserve visual privacy
 - Louvres are operated via manual winder
 - Screening ensures predominant outlook away from side boundaries
 - renderings prepared using Revit software



TYPICAL LOUVRE DETAIL
SCALE 1:5 @ A1

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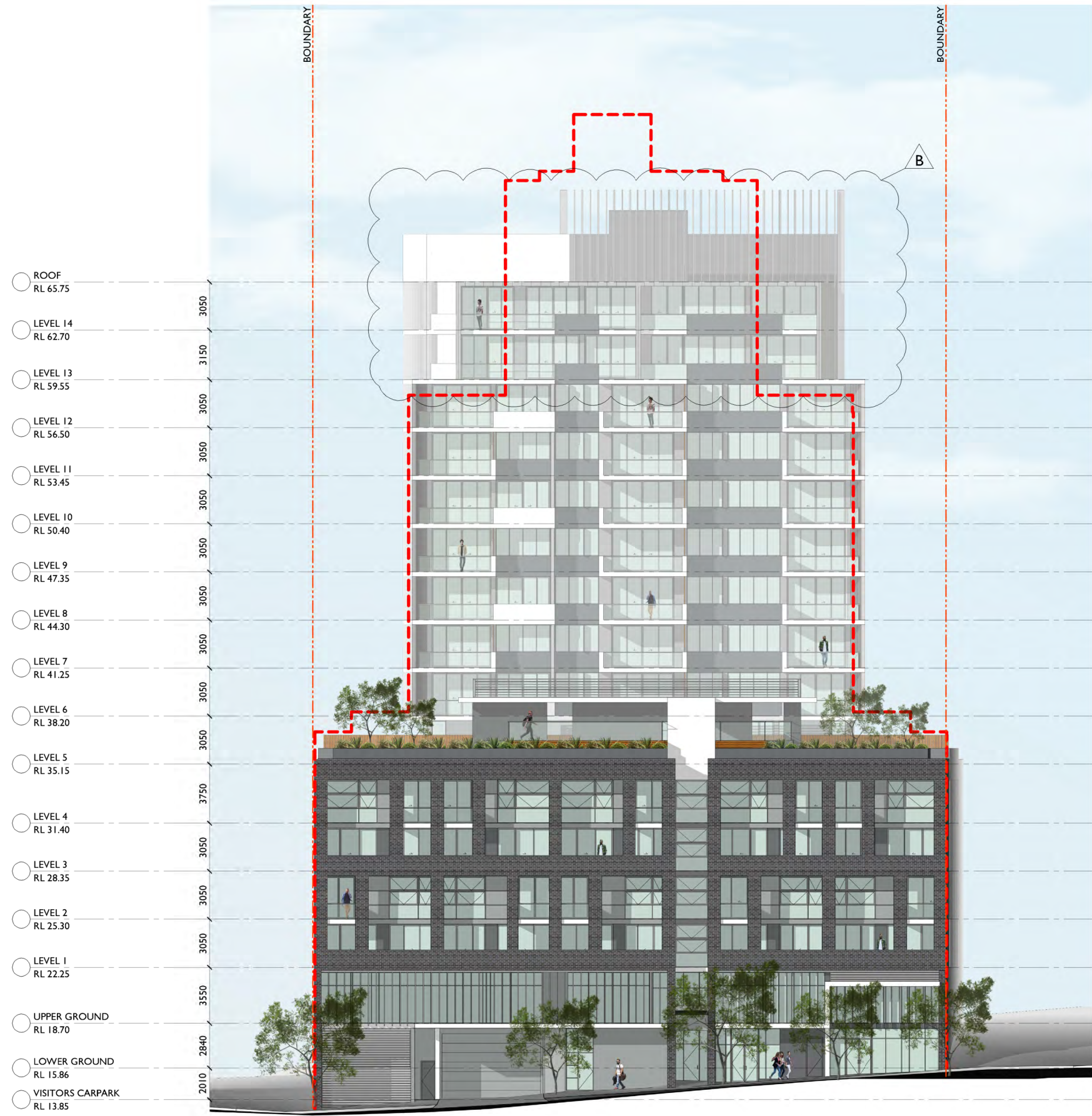
Title
DEVELOPMENT APPLICATION
SCREENING DETAILS

Scale
1:50 @ A1
1:100 @ A3
Date
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WEST ELEVATION
BELMORE STREET ASPECT

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For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
WEST ELEVATION

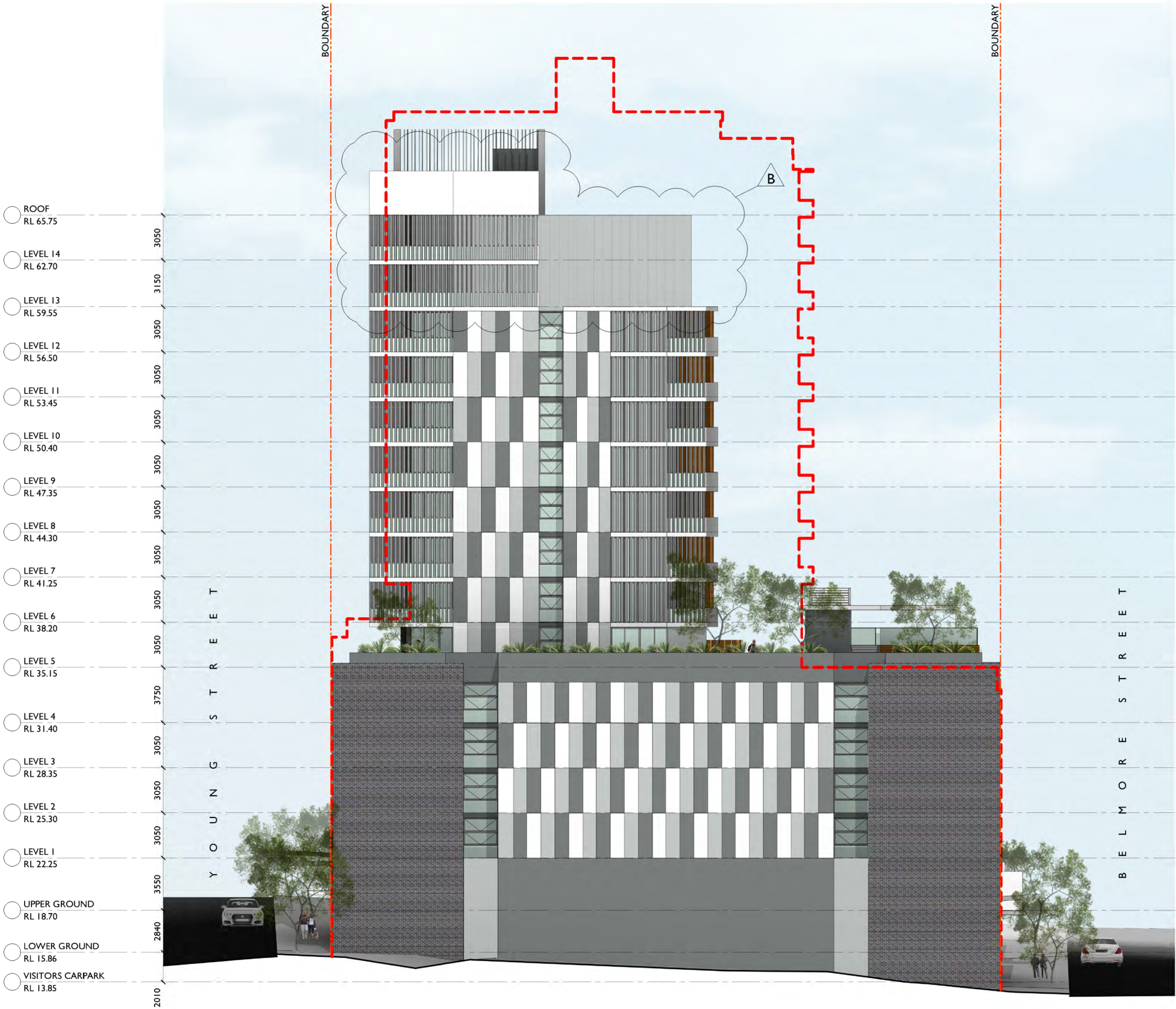
Scale		Date
1:150 @ A1		NOVEMBER 2018
1:300 @ A3		
Drawn		Checked
LGD SJ		ADM
Project No.	Drawing No.	Issue
2018-14	A-201	B

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NORTH ELEVATION



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Title
DEVELOPMENT APPLICATION
NORTH ELEVATION

Scale
1:150 @ A1
1:300 @ A3

Date
NOVEMBER 2018

Drawn
LGD SJ

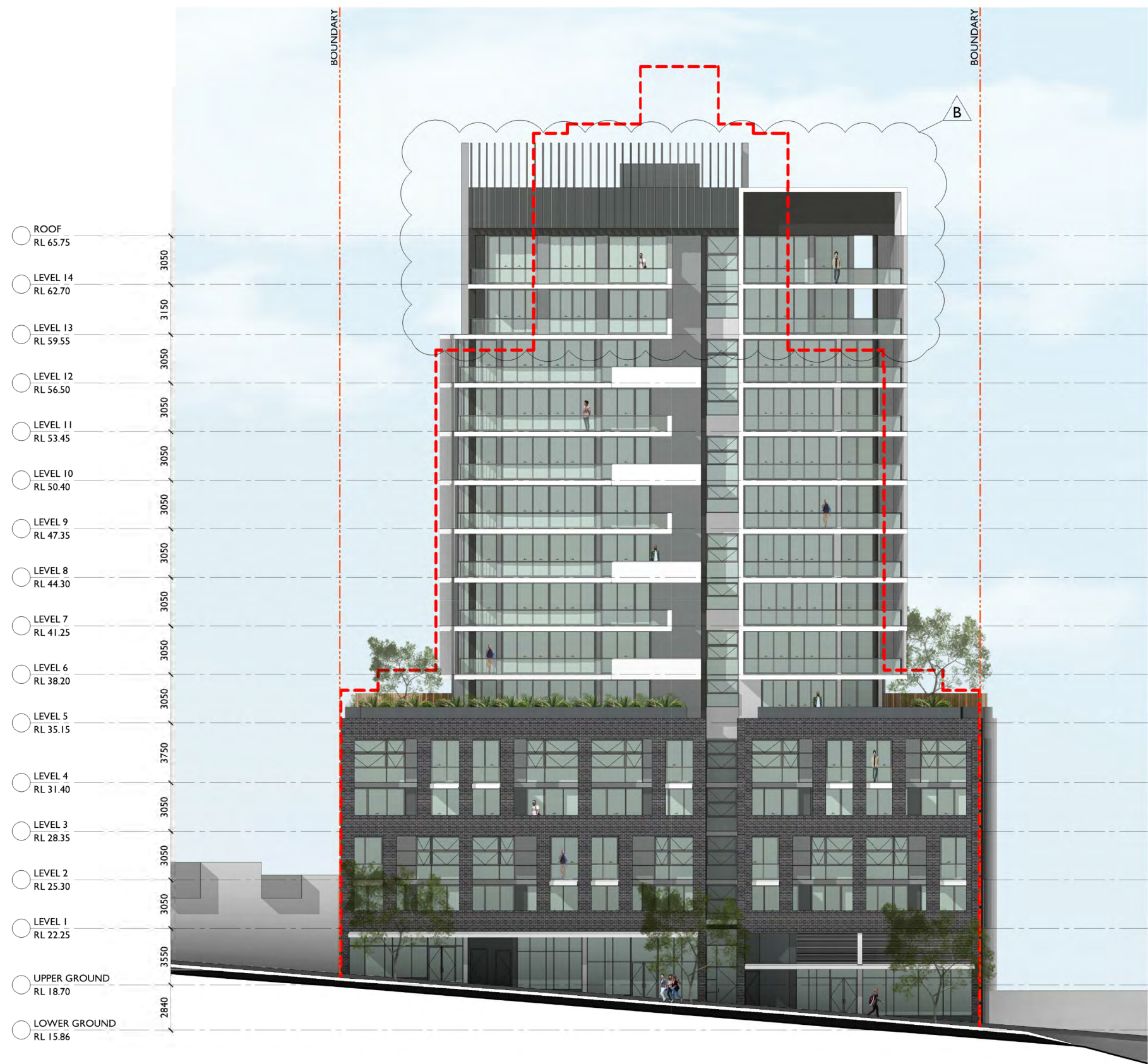
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Project No.
2018-14

Drawing No.
A-202

Issue
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EAST ELEVATION
YOUNG STREET ASPECT

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Title
DEVELOPMENT APPLICATION
EAST ELEVATION

Scale 1:150 @ A1 1:300 @ A3	Date NOVEMBER 2018
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SOUTH ELEVATION



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Title
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SOUTH ELEVATION

Scale 1:150 @ A1 1:300 @ A3	Date NOVEMBER 2018
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Drawn LGD SJ	Checked ADM
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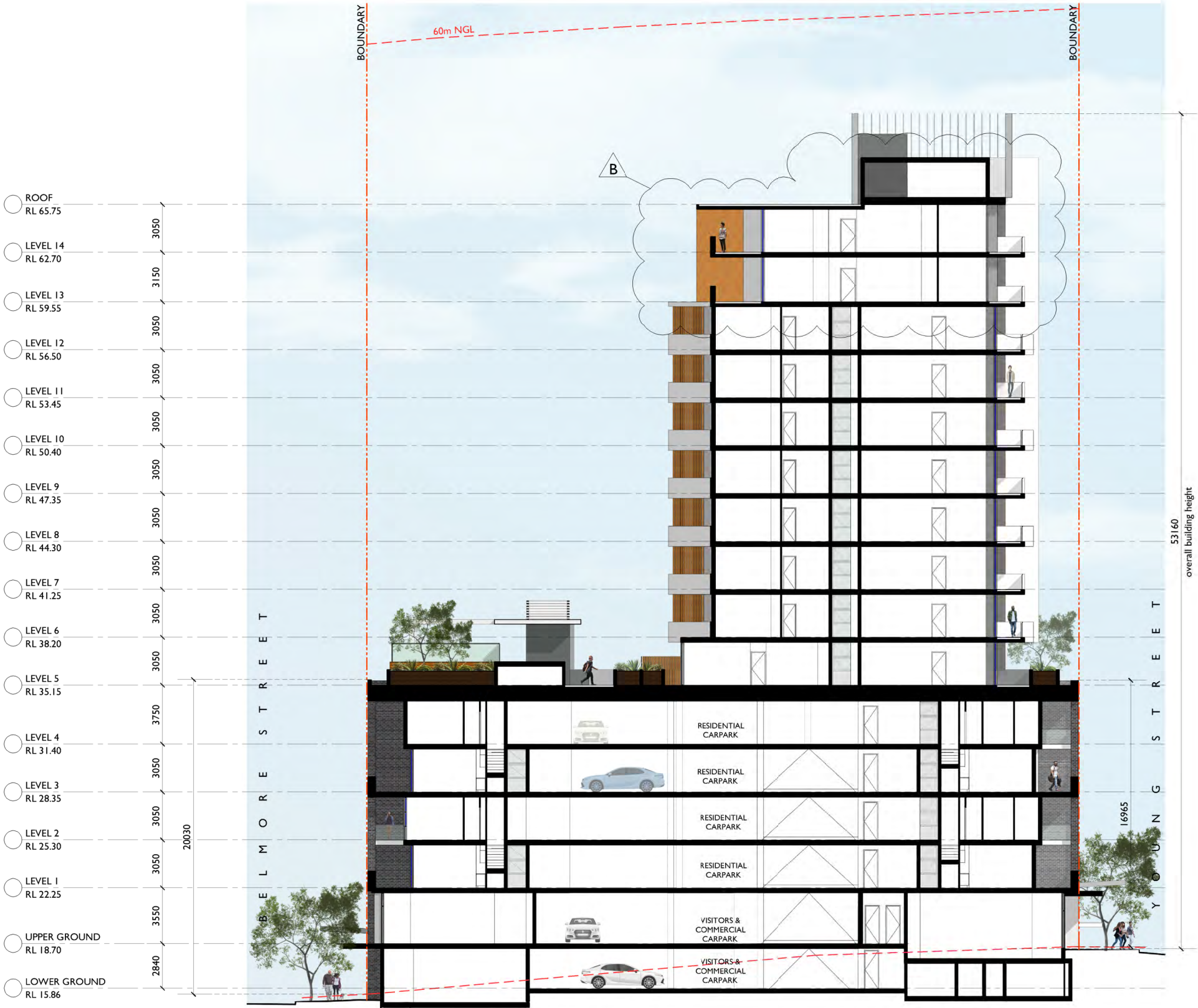
Project No. 2018-14	Drawing No. A-204	Issue B
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ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	06.11.18	AMENDED FOR DA

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OUTLINE OF APPROVED DA 2016-1061 SHOWN DASHED



SECTION A - A



94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4221 6455 www.admarchitects.com.au

Project
PROPOSED MIXED USE BUILDING
COMPRISING OF RESIDENTIAL APARTMENTS
ABOVE RETAIL / COMMERCIAL PREMISES
AND CARPARKING
At
28-32 YOUNG STREET,
29-31 BELMORE STREET,
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SECTION A - A

Scale 1:150 @ A1 1:300 @ A3		Date NOVEMBER 2018
Drawn LGD SJ		Checked ADM
Project No. 2018-14	Drawing No. A-205	Issue B

ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	06.11.18	AMENDED FOR DA

OUTLINE OF APPROVED DA 2016-1061
SHOWN DASHED



Title
DEVELOPMENT APPLICATION
SECTION B - B

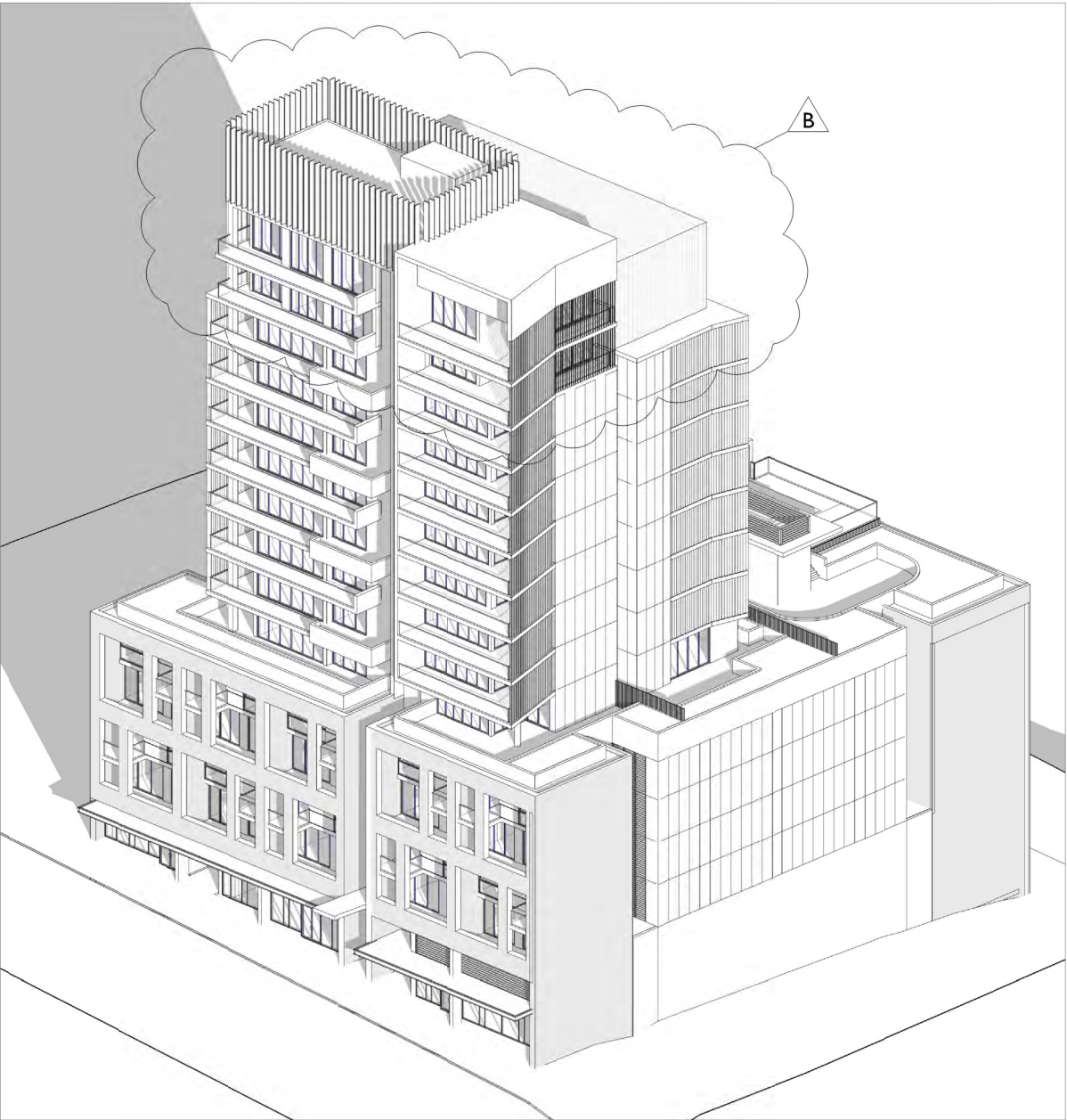
Scale	Date	
1:150 @ A1 1:300 @ A3	NOVEMBER 2018	
Drawn	Checked	
LGD SJ	ADM	
Project No.	Drawing No.	Issue
2018-14	A-206	B

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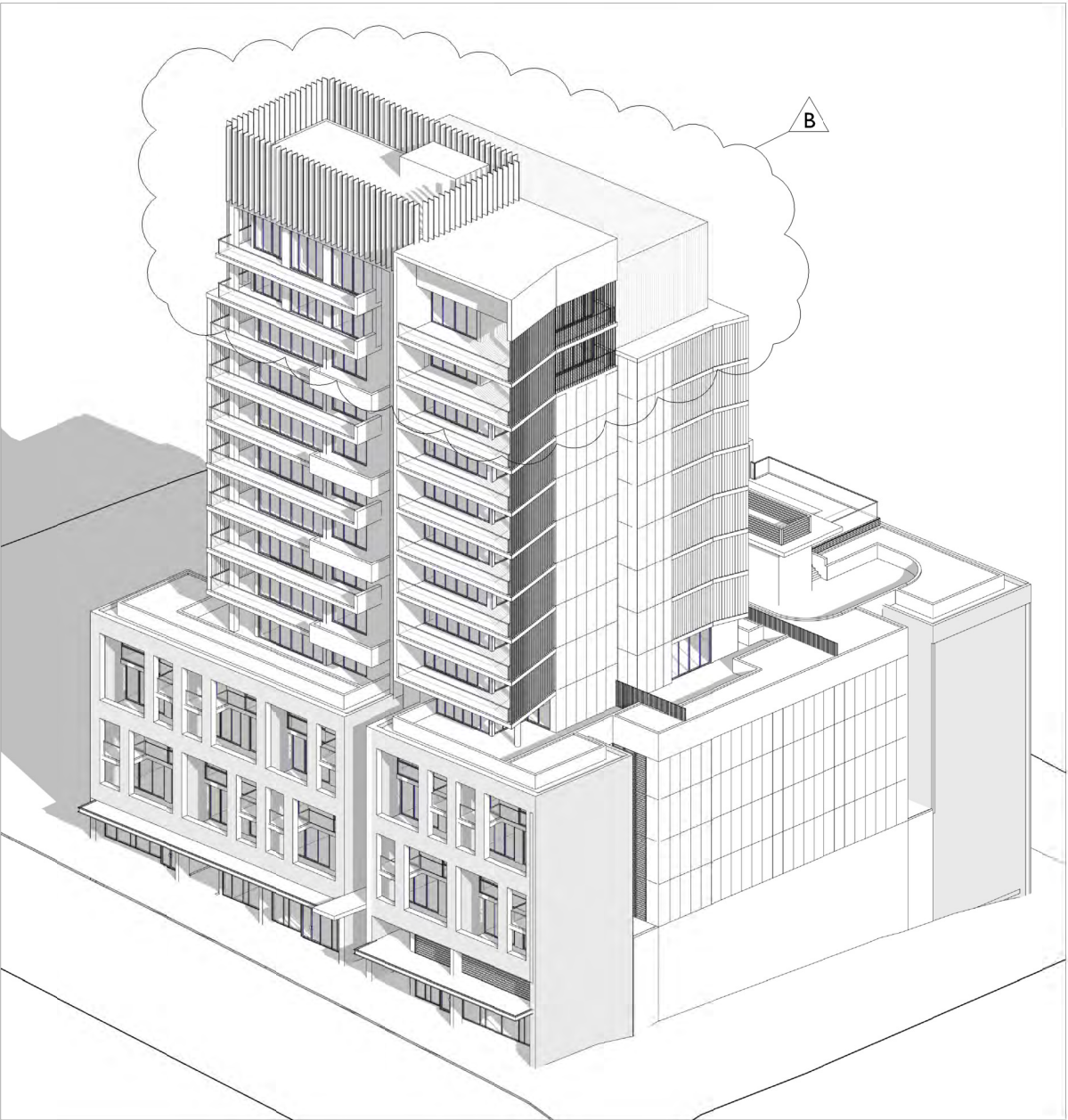
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9am



10am



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AND CARPARKING

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29-31 BELMORE STREET,
WOLLONGONG

For
LEVEL UP PROJECTS P/L

Title
DEVELOPMENT APPLICATION
SOLAR ACCESS STUDY 1 of 4

Scale	Date
NTS	NOVEMBER 2018

Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2018-14	A-403	B

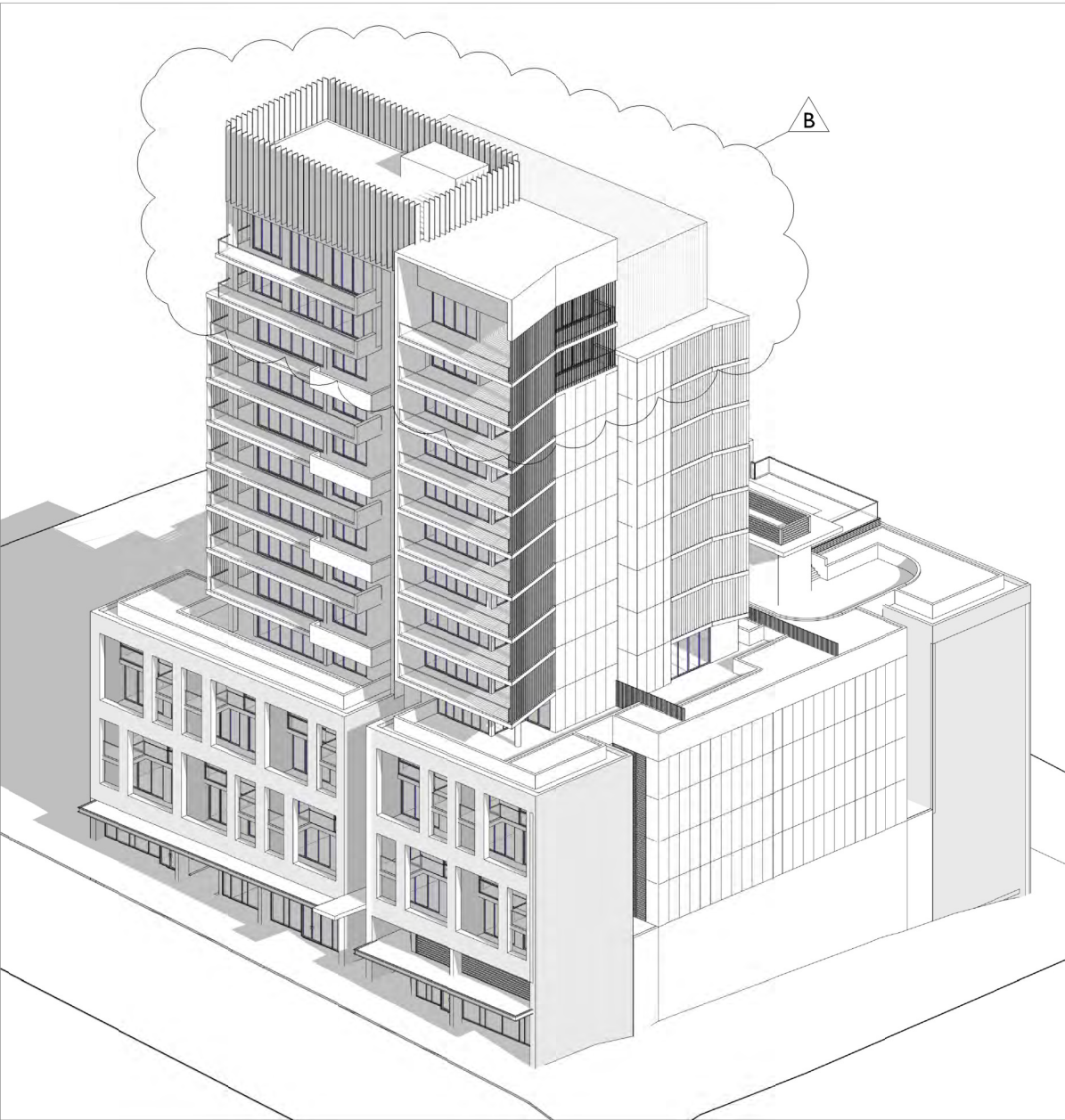
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SOLAR ACCESS STUDY
21ST OF JUNE

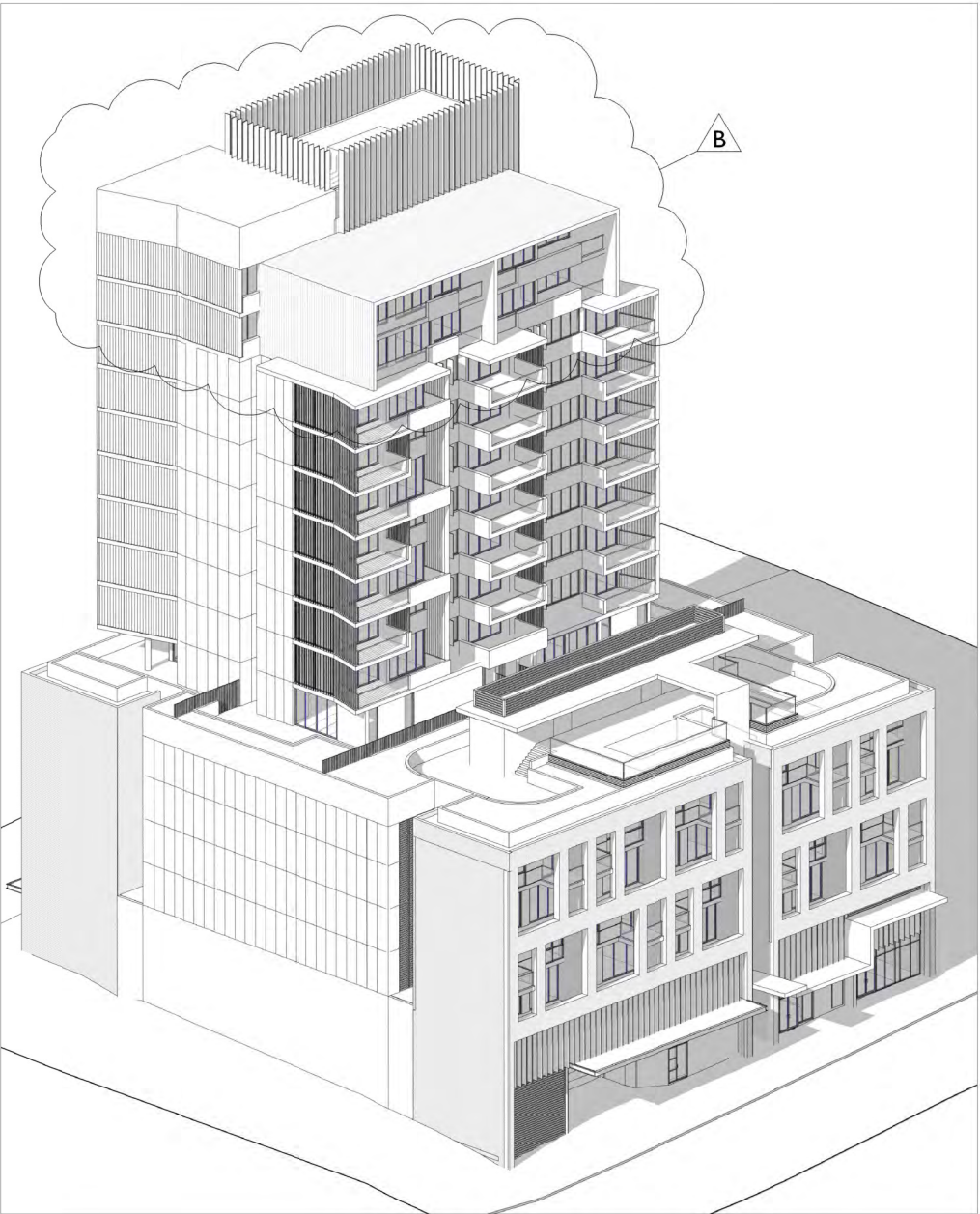
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11am



12pm

SOLAR ACCESS STUDY
21ST OF JUNE

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ARCHITECTS

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AND CARPARKING
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29-31 BELMORE STREET,
WOLLONGONG

For
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Title
DEVELOPMENT APPLICATION
SOLAR ACCESS STUDY 2 of 4

Scale	Date
NTS	NOVEMBER 2018

Drawn	Checked
SJ	ADM

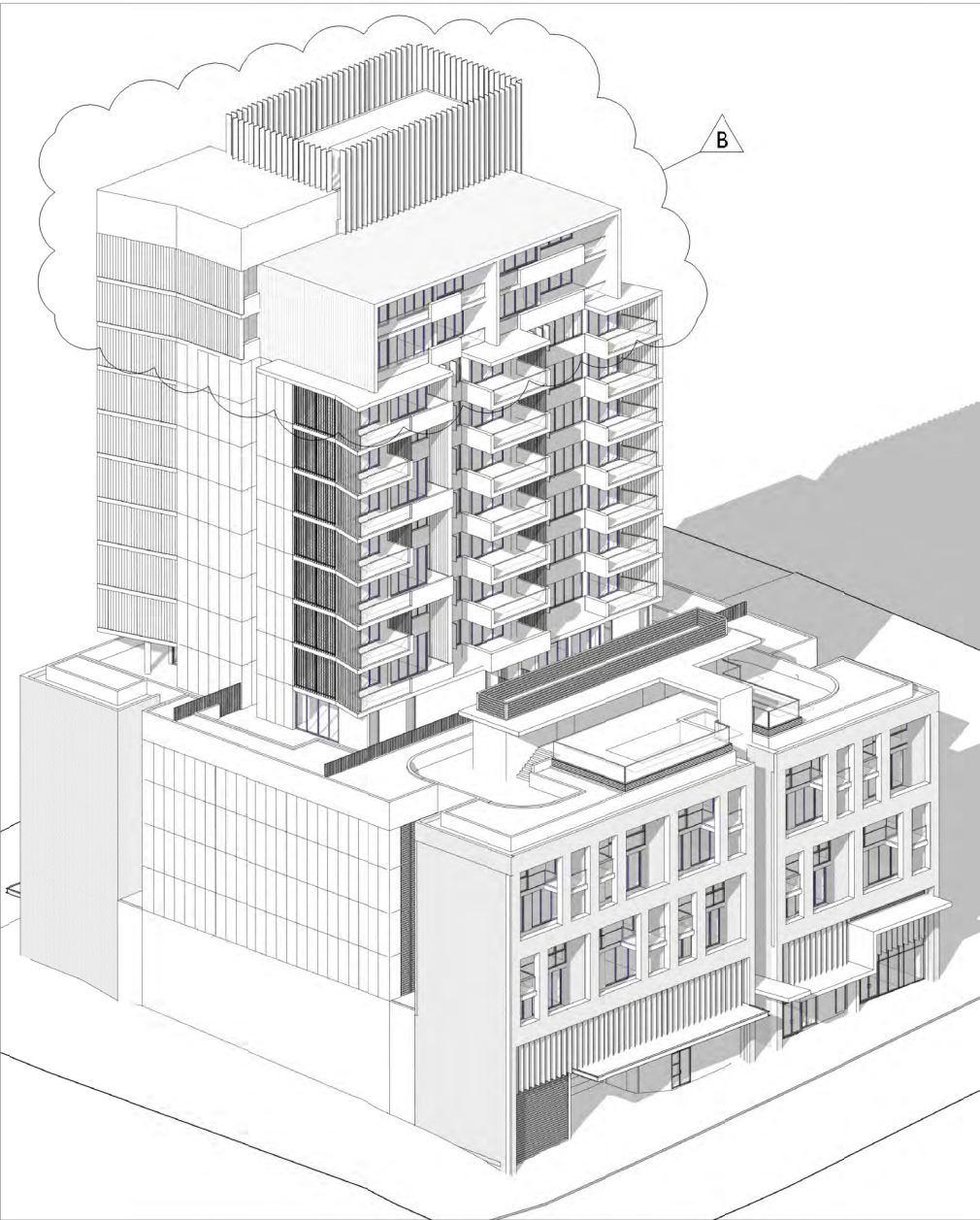
Project No.	Drawing No.	Issue
2018-14	A-404	B

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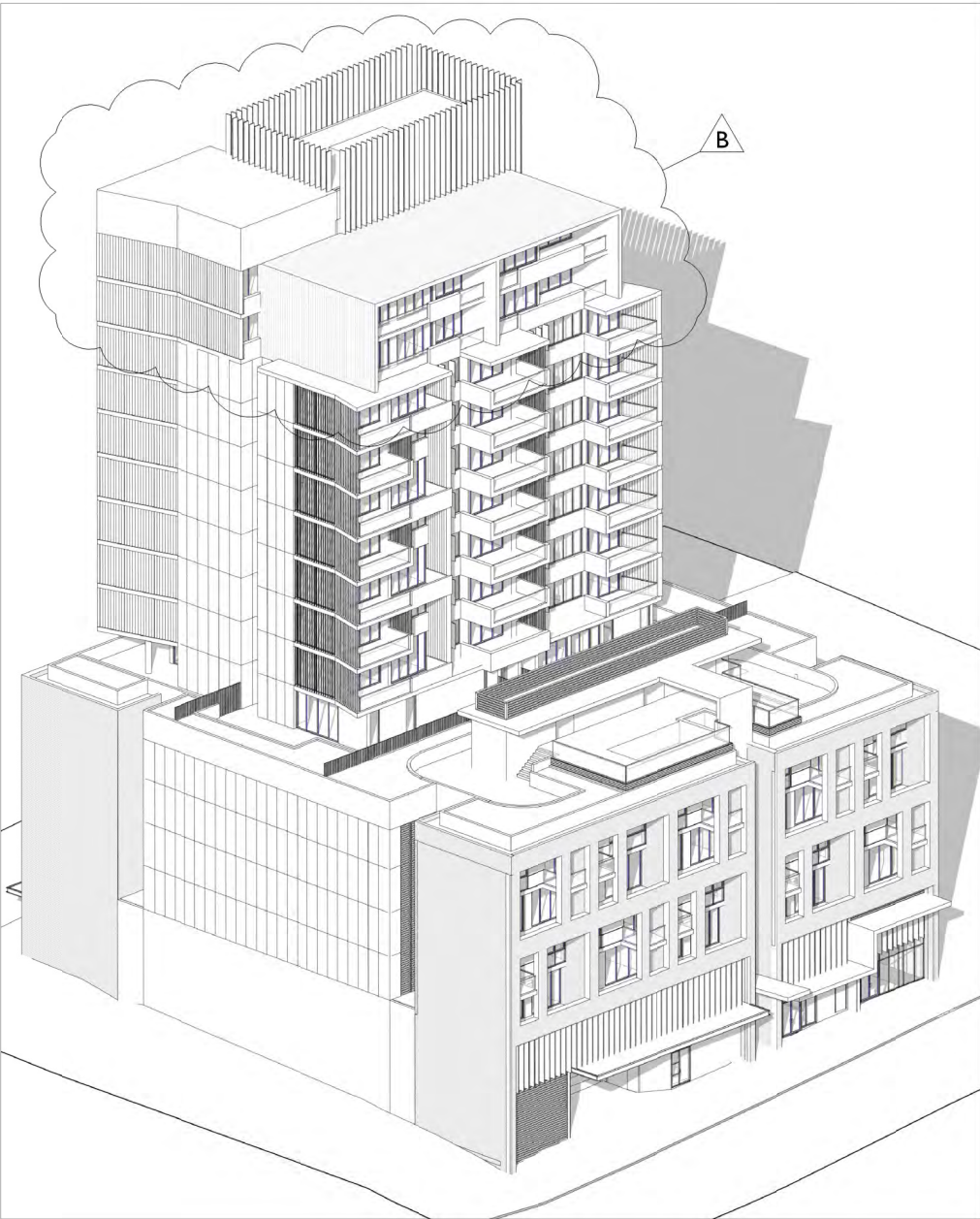
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1pm



2pm

SOLAR ACCESS STUDY
21ST OF JUNE



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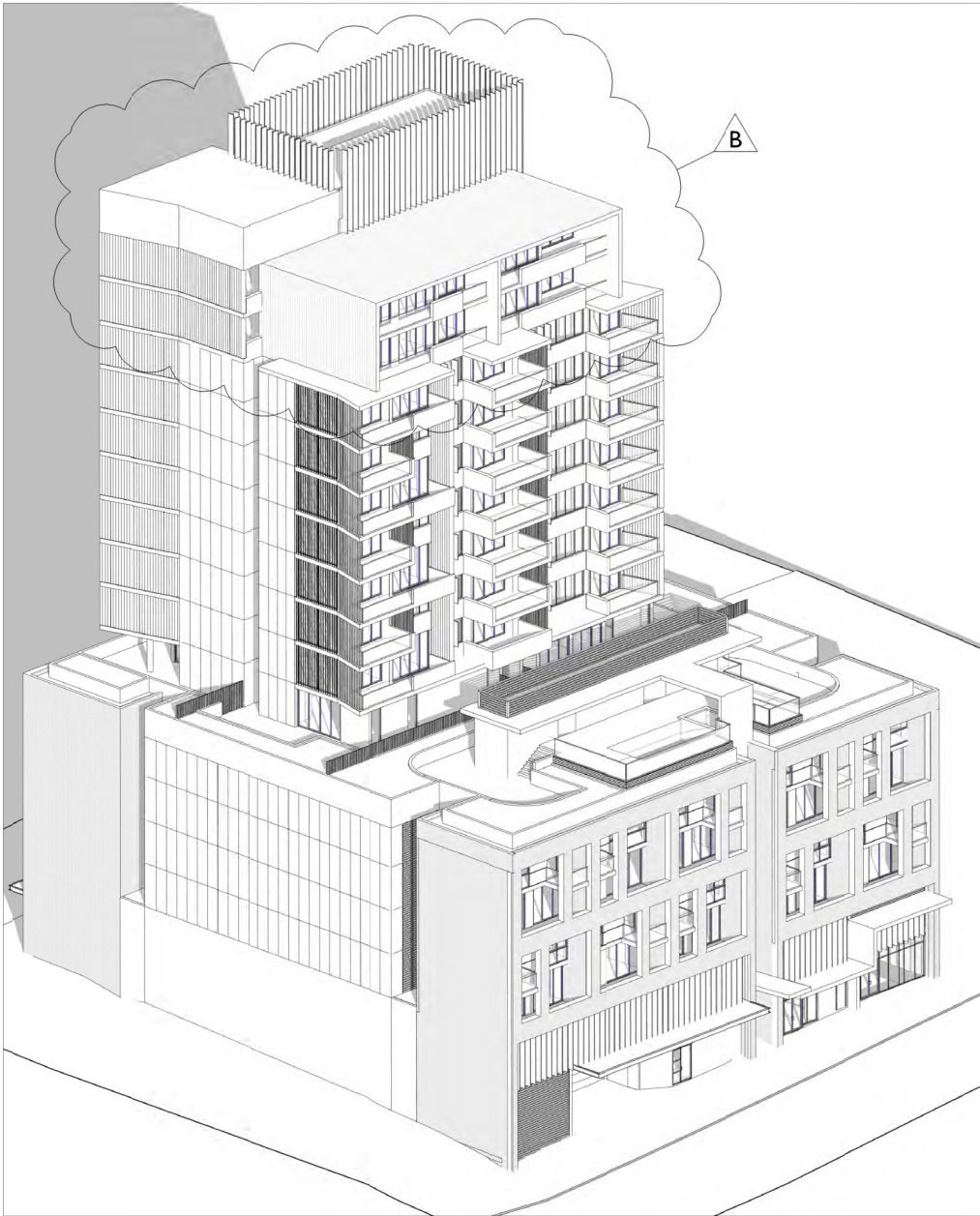
Title
DEVELOPMENT APPLICATION
SOLAR ACCESS STUDY 3 of 4

Scale	Date
NTS	NOVEMBER 2018

Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2018-14	A-405	B

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21ST OF JUNE

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Title DEVELOPMENT APPLICATION SOLAR ACCESS STUDY 4 of 4		
Scale NTS	Date NOVEMBER 2018	
Drawn SJ	Checked ADM	
Project No. 2018-14	Drawing No. A-406	Issue B

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Level Up Projects Pty Limited

7 Yorrel Close

Alfords Point, NSW 2234

Attention: Mr. John Issa

7 November 2018

28-32 YOUNG STREET, WOLLONGONG
Cost and Time Implications of Basement Construction

Dear John,

We refer to your request for us to provide comments on the estimated extra over cost of basement construction of the abovementioned mixed use residential redevelopment.

We noted that the recent finding of existing underground site conditions is non-rippable rock, which *"could be extremely hard to remove with hydraulic rock hammer"* as per the geotechnical assessment/ recommendations issued by STS GeoEnvironmental Pty Ltd dated 30 October 2018. However, our development application cost report dated 3 July 2018 with development cost \$19,770,000 including GST has excluded rock excavation elements.

In relation to the abovementioned geotechnical assessment, the additional cost on non-rippable rock excavation is estimated at \$3,808,000 excluding GST, i.e. total excavated volume 10,880m³ @ \$350/m³ including preliminaries and margin.

Since the only solution of excavation methodology is adopting rock sawing and hammers, the progress rates shall be very low based on geotechnical engineer's comments. Henceforth, we anticipate a substantial time implication, i.e. 10 -12 extra months on excavating a single basement based on our local knowledge of similar projects in Wollongong region.

Apart from the abovementioned direct cost on rock excavation, there will be a cost implication due to a prolonged construction period. Therefore, an additional indirect cost further contributed to the development has been anticipated at \$750,000 minimum excluding GST

including but not limited to interests, holding cost, finance charges, management and overheads, etc.

The significant cost increase equates to approximately 23% of total development cost while the construction period will be extended by 50% because of complex underground site conditions and a less efficient excavation method on rock sawing and breaking up the bedrock using hydraulic hammers attached to very large excavators.

Based on the geotechnical findings, we infer that the project appears non- viable if the basement carpark option is proceeded, considering a significant increase on both direct and indirect construction costs plus construction programme.

We trust the above comments meet with your expectations, but should you seek clarification or further information, please do not hesitate to contact us accordingly.

Yours faithfully



Steven Bregovic
Director; BConstMgt & Prop (Hons) (QS); MCIOB
For
Newton Fisher Group



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Wollongong City Council
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8 November 2018

Attention: Nigel Lamb

Dear Nigel,

Response to Additional Information Request for DA-2018/973

Proposed Mixed Use Development at 28-32 Young Street and 29-31 Belmore Street, Wollongong

This correspondence is prepared on behalf of the applicant, ADM Architects, and responds to Council's correspondence of 23 October 2018 which requests the submission of additional information in respect of DA2018/973 for the construction of a 15 storey mixed use development at 28-32 Young Street and 29-31 Belmore Street, Wollongong. This correspondence also addresses a request for additional information pertaining to potential site contamination.

This correspondence is accompanied by the following revised plans and additional documentation:

- Revised Plans prepared by ADM Architects, Issue B;
- SEPP 65 Compliance Table prepared by ADM Architects Issue A, dated 5.11.18;
- Landscape Plan prepared by Ochre Landscape Architects (Ref: 1863-LD01, LD02A & LD-03A) dated 2.11.18;
- Correspondence regarding site geotechnical investigations prepared by STS GeoEnvironmnetal (Report No. 18/3287B) dated 30.10.18;
- Correspondence titled 'Cost and Time Implications of Basement Excavation' prepared by Newton Fisher Group dated 7.11.18;
- Further Update to Preliminary Site Investigation prepared by Fyfe dated 29.10.18;
- Contamination 'Council RFI Review' prepared by IEnvironmental (Revision No. 1.1) dated 2.11.18;
- Wind Assessment Report prepared by ANA Civil P/L (Ref: 2018-303) dated 1.11.18.

Table 1 below provides a summary of the key plan changes, in response to Council's issues:

Table1: Summary of Plan Changes

Plan	Changes
A-000 Titlesheet	<ul style="list-style-type: none">▪ 3d updated to reflect the changes mentioned below▪ Updated drawing schedule with new drawings as per below (i.e Level 13 plan has been separated and is its own individual plan pushing the plans below in that number series down one).
A-001 Site/development summary	<ul style="list-style-type: none">▪ Total number of units have changed from 66 to 63.▪ Parking numbers have been amended in accordance with new mix and yield. Calculations indicate the proposal requires 82 spaces but 91 are provided 91 (therefore 9 cars together with the access aisles have been included in the GFA calculations).▪ Visitor parking has been reduced to 13 spaces in line with yield reduction.▪ Total proposed GFA has remained at the maximum permissible GFA of 6503m².

Plan	Changes
	<ul style="list-style-type: none"> 10 adaptable spaces in line with 10 adaptable units (noting the minimum or 10% would be 7 units). Require 1 commercial adaptable space – 2 are provided. Waste bin calculation has changed due to the unit numbers reducing, with 43 residential bins now required/provided.
A-003-012 Contextual Image	<ul style="list-style-type: none"> Amendments reflect plan changes. Amended to reflect the concept plans of the adjoining building.
A-102 Lower Ground Floor Plan:	<ul style="list-style-type: none"> 1 visitor space has been removed in line with yield reduction and parking arrangement to the South side has been reconfigured. Security provisions have been annotated to be applied to the residential storage area such as the security gate, swipe card access, lighting to AS1158.1 and surveillance cameras.
A-103 Upper Ground Floor Plan:	<ul style="list-style-type: none"> Parking arrangement to the South side has been reconfigured.
A-104 Level 1 Floor Plan:	<ul style="list-style-type: none"> Parking arrangement to the South side has been reconfigured.
A-105 Level 2 Floor Plan	<ul style="list-style-type: none"> Parking spaces have been reduced from 21 to 18 spaces, 2 disabled spaces have been added and 1 space has been removed. Parking arrangement to the South side has been reconfigured.
A-106 Level 3 Floor Plan:	<ul style="list-style-type: none"> 1 parking space has been removed. Now providing 16 spaces. Parking arrangement to the South has been reconfigured.
A-107 Level 4 Floor Plan:	<ul style="list-style-type: none"> Parking spaces have been reduced from 21 to 19 spaces, 1 disabled space has been added and 1 space has been removed. Parking arrangement to the South has been reconfigured.
A-109 Level 6 Floor Plan:	<ul style="list-style-type: none"> U604 is now an accessible unit (as per DRP notes). Operable note has been added to the side windows of units 602 & 604.
A-110 Level 7,9 & 11	<ul style="list-style-type: none"> Operable note has been added to the side windows of units 02 & 04.
A-111 Level 8, 10 & 12	<ul style="list-style-type: none"> 04 unit is now accessible (as per DRP notes) Operable note has been added to the side windows of units 02 & 04.
A-112 Level 13 Floor Plan	<ul style="list-style-type: none"> The provision of 5 units (typical) have been removed to be replaced with the penthouse plan. Southern unit design amended (but maintained adaptable) in relocating living areas so to increase north aspect ratio of units above 70% (required after losing 3 units achieving the requirement).
A-113 Level 14 Floor Plan	<ul style="list-style-type: none"> U1401 as noted above has been amended to achieve sunlight access (required after losing 3 units previously achieving the requirement).
A-114 Roof Plan	<ul style="list-style-type: none"> Roof plan RL has been lowered from 66.750 to 65.750 (as a consequence of proportion changes).
A-115 Screening Details	<ul style="list-style-type: none"> Louvre larger scale detail has been added to this sheet as requested by DRP. Annotation added stating that the louvres are operable via manual winder.
A-201-206 Elevations & Sections	<ul style="list-style-type: none"> Level 13 & 14 amendments have been reflected on the elevations. Additional trees to the Young St elevation as per updated landscape plan.
A-302 Accessible plan:	<ul style="list-style-type: none"> The pre-adaptation plan has been deleted. Now an accessible unit only as recommended by the DRP (i.e universally accessible upfront – not after adaptation).
A-303-304 Pre & Post Adaptation Plan 2 of 3	<ul style="list-style-type: none"> Different unit type added as per amended 3 bed design
A-305-306 Pre & Post Adaptation Plan 3 of 3	<ul style="list-style-type: none"> Additional sheets have been added to the set to reflect plan changes as above.
A-403-406 solar access study	<ul style="list-style-type: none"> Amendments to reflect plan changes

1. Parking and Additional GFA

The proposal has surplus car parking spaces. The submitted documentation notes an excess of 12 spaces. This derives from calculations being rounded up for each of the 1, 2 and 3 bedroom totals. Only the cumulative total of resident parking should be rounded. This results in an excess of 13 spaces. The definition of GFA in the LEP excludes "car parking to meet any requirements of the consent authority (including access to that car parking)". By extension, if surplus car parking is proposed, access to that parking will be included as additional GFA. This is particularly relevant in this instance as all the car parking is located above ground (thereby adding to the bulk of the building). Further, the amount of excess parking would equate to a significant proportion of a parking level and would thereby include vehicular access that would otherwise not be there if the development was compliant with the car parking rate. If the surplus car parking and access is included in GFA calculations, the additional GFA would be approximately 337m² (2.4 x 5.4 (standard space dimension) x 13 (total surplus) x 2 (additional access to those spaces)). The proposed FSR therefore then exceeds the maximum permitted under the LEP.

Response:

The total number of units has now been reduced from 66 to 63, following a change in the unit mix at Level 13. Previously this level contained 5 units (2 x 1 bedroom and 3 x 2 bedroom) but now contains only 2 x 3 bedroom units. The revised parking calculations for the development are summarised in Table 2:

Table 2: Revised Parking Calculations

Car Parking Requirement		Rate	Required	Provided
Residential (RMS Guide)				
Residential Parking	14 x 1 bed units	0.6 spaces per unit	8.4	14
	43 x 2 bed units	0.9 spaces per unit	38.7	43
	6 x 3 bed units	1.4 spaces per unit	8.4	8
Total Residential			56 Spaces	65 (Surplus 9)
Visitors Parking	63 units	0.2 per unit	13	13
Commercial	775m ²	1 space per 60m ²	13	13
Total			69 spaces	78 spaces

Hence, when rounding only the cumulative resident total, as requested by Council, the development has a surplus of nine (9) resident visitor spaces. The development summary provided on Drawing A-001 (Issue B) confirms that the excess parking and the adjacent aisle has a GFA of 234m², which has been incorporated in the total GFA of 6503m². This remains compliant with the permitted FSR of 3.56:1, as demonstrated in Table 3 below:

Table 3: Floor Space Ratio Calculations

Site Area	1825 m ²		
	Commercial	Residential	Total
Proposed GFA	775 m ²	5728 m ² (including 9 excess parking spaces and aisle)	6503 m ²
PERCENTAGE	12%	88%	100%
Clause 4.4A Permissible MAX FSR	5.635: 1	3.281:1	3.56:1
TOTAL GFA	6503 m²		
TOTAL FSR	3.56:1		

2. Unit Mix

10% of the units are required to be three or more bedrooms. The proposal only provides 6%. The variation request is not considered to be well founded and is not supported.

Response

The reconfiguration of units at Level 13 has accommodated in the inclusion of an additional 2 x 3 bedroom units, thereby increasing the number of three bedroom units to six (6). The revised breakdown of units is as follows:

Table 4: Summary of Units

No. of Bedrooms	Number of Units	Percentage
1 bedroom	14	22.22%
2 bedroom	43	68.25%
3 bedroom	6	9.52%
Total	63	100%

The total number of three bedroom units now equates to 9.52% of units, increased from the 4 units (ie.6%) which were previously proposed. This figure is only marginally below the 10% specified within Section 6.2 of Chapter D13(Wollongong City Centre) of DCP 2009. The objective of this control is to:

"Ensure that residential development provides a mix of dwelling types and size to cater for a range of household types:"

This objective will clearly be met as, despite the exceptionally minor 0.48% variation, the development will continue to provide diversity in units, with a good mix of bedroom numbers and unit types (apartments and 'townhouse' style two level units). Further, the unit mix will accommodate future occupants, who are anticipated to comprise single, couples and smaller families. This is demonstrated by demographics for the Wollongong Statistical Area (ABS 2006 Census) which confirm that in this location there is an average of 1.6 children per family, reduced from the typical 1.8 - 1.9 children per family in surrounding statistical areas such as Figtree/Keiraville and Fairy Meadow/Balgownie.

On this basis, the provision of 6 x 3 bedroom units (being 9.52% of units) is considered to be appropriate and support for this exceptionally minor variation is therefore sought.

3. Podium Bulk and Scale

There remain concerns in respect of the podium height in regard to compatibility with potential future development on adjoining land and impacts on the streetscape.

The podium bulk arises in part due to the decision to locate all the car parking above ground.

The justification for locating all the parking above ground was that excavating for basement parking would prove cost prohibitive. The geotechnical report provides no analysis of this to justify this argument.

Insufficient analysis of the relationship of the proposed podium to potential future built form on adjoining land has been provided to justify the bulk of the podium.

Response:

Justification – Geotechnical Constraints:

The accompanying correspondence prepared by STS GeoEnvironmental provides more detailed information regarding the site difficulties posed by the subsurface materials on the site, which comprise high strength bedrock. In summary, this report confirms that the existing underground site material is not be expected to be rippable and would be extremely hard to remove with hydraulic rock hammers. Further, *"given the location of the site and its proximity to adjoining structures, the use of blasting materials is not considered appropriate"*. The correspondence confirms that conventional excavation methods will be feasible, however progress rates will be very low.

The accompanying correspondence prepared by Newton Fisher has considered the cost and time implications of basement excavation within this high strength bedrock and has confirmed the following:

- The original cost report for the development application, which confirmed a development cost of \$19,770,000 did not include any rock excavation elements (as no basement is proposed).
- The additional cost of non- rippable rock excavation is estimated at \$3,808,000 excluding GST, i.e. total excavated volume 10,880m³@ \$350/m³ including preliminaries and margin.
- In addition, there will be a cost implication due to a prolonged construction period, of an anticipated at \$750,000 minimum excluding GST including but not limited to interests, holding cost, finance charges, management and overheads, etc.
- The significant cost increase equates to approximately 23% of total development cost, while the construction period will be extended by 50%.

Newton Fisher therefore conclude that *"the project appears non-viable if the basement carpark option is proceeded, considering a significant increase on both direct and indirect construction costs plus construction*

programme." On this basis we request that Council support the provision of above ground parking on this geotechnically constrained site.

Built Form Analysis:

As noted in the submitted Statement of Environmental Effects the height, footprint and bulk of the podium is consistent with that of the podium approved by DA2016/1061, which remains current. A comparison of the approved and proposed podium is provided in the accompanying Contextual Streetscape and Aerial Perspectives prepared by ADM Architects, with the outline of the approved podium marked in red.

Further, we draw Council's attention to the fact that the lower levels of the building are sited on the boundary below street frontage height, in compliance with the requirements of Chapter D13 (Wollongong City Centre) of WDCP 2009. Specifically, such setbacks are compliant with the requirements of Clause 2.5 of Chapter D13 which specifies a requirement for zero side setbacks up to the street frontage height of 24m.

Since the date of approval of DA2016/1061 we understand that the only potential change to the streetscape is the proposed redevelopment of the adjacent sites to the north, noting that this development is at the early stages of planning, with no formal development application submitted. The accompanying Contextual Streetscape drawings prepared by ADM Architects have therefore been amended to reflect the 'Concept' plans of this proposed adjoining building. This analysis shows that the reduced podium height on the adjacent site to the north is partly a result of the slope of the land, which falls in a northern direction towards the adjacent site. Hence, it would be reasonable for any development on this adjacent site to the north to have a somewhat lesser podium level due to this grade. Whilst it is apparent that there is a variation in podium heights it is noted that the podium height on No. 28-32 Young Street allows for the incorporation of 'townhouse style apartments' addressing both Young and Belmore Street. Such apartments provide for a strong street presentation and allow for a high level of surveillance of adjacent streets.

Further, Council's attention is drawn to the fact that the approved podium provides a strong 'bookend' at the western termination of Market Street and the revised design, which retains the approved footprint will continue to provide this desired outcome. It is noted that the Design Review Panel, when considering the application at its meeting of 9 October 2018 supported the form of the building and noted that:

- *"The building is located between Young and Belmore Streets and is centred, axially on Market Street giving it significant presence at an urban scale and elevating its importance within a wider context for Wollongong."*
- *"The proposal now presents as a scale and density consistent with the desired future character of this precinct."*
- *"The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression. A competent and appropriate building aesthetic has been developed."*

Should Council have particular concerns regarding the relationship between the adjacent podiums, it is respectfully requested that modification occur to the design of the adjacent building to the north, which is in the early stages of planning and which has not been the subject of in excess of 2 years of detailed design works since the original development application was submitted and approved in 2016.

4. Building Separation

The proposal does not meet the requirements of clause 8.6(3) in respect of separation of residential components of the building from adjoining development. It is noted that a variation request has been sought in accordance with clause 4.6 of the LEP in this regard. However, the justification provided is not considered to be well founded.

The objective of clause 8.6 is to "ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access". As noted above, insufficient context analysis has been provided to demonstrate this built form will not prejudice future development on adjoining land.

It is noted that the streetscape analysis provided on page 73 and 104 of the Statement of Environmental Effects illustrates a potential built form on adjoining land that does not reflect the controls.

Response:

The accompanying Contextual Streetscape Drawings prepared by ADM Architects have now been amended to reflect the concept plans of the adjoining building. A revised Clause 4.6 Exceptions to Development Standards Report, which considers a compliant built form on the adjoining land to the north, is contained in Appendix 1.

5. Building Separation and Setbacks

The proposal does not comply with building separation and setback requirements. It is noted that a written variation request has been provided however the justification contained therein is not considered to sufficiently justify the requested variations.

Response:

With respect to building setbacks/separation the following provides a summary of the level of compliance:

- Commercial Levels LG to UG: Compliant with the required zero setbacks specified in Chapter D13 (Wollongong City Centre) of WDCP 2009;
- Residential Levels 1-4: Compliant with the zero setback up to street frontage height specified in Chapter D13 (Wollongong City Centre) of WDCP 2009;
- Level 5: Wall setbacks are compliant with the 4.5m non-habitable setbacks criteria of the ADG (being below 25m). The only windows facing side boundaries at this level are those in the northern and southern elevations of U502 and U503, with screens now sited on the balconies adjacent to such windows to prevent overlooking (refer Drawing A-108).

Whilst the balconies of Units 501, 502, 503 and 504 are not compliant with the 9m setback for balconies it is noted that such balconies are sited on the roofspace of the level below, which is required to provide a zero side setback, as it is below the street frontage height. Perimeter landscaping is provided to terraces and the communal open space area to create non trafficable areas and minimise overlooking from such spaces.

- Levels 6-14: The walls comply with the 6m non-habitable setback standard, with setbacks further increasing at Levels 13 and 14. The balconies are also principally compliant, with the only variation being to the balcony splays, which have reduced setbacks generally of 5.82m (for Levels 6-12) and 4.66m (at Level 13) to the northern boundary and 5.69m to the southern boundary. Louvres are provided on the balconies, which allow for application of a 6m setback to non-habitable spaces. It is noted that the balcony splays only marginally reduce the level of compliance with the required 6m non-habitable setback. All balcony splays, with the exception of the Unit 13 balcony are setback from the boundary by in excess of 5.69m, which is only 301mm less than the required 6m. It is noted that this variation occurs at only the point of each balcony, in a position which does not form part the principle useable area of the balcony.

- The Design Review Panel (DRP) supported such balcony design and placement, subject to detailed design of louvres, noting the following:

"On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved. To ensure that this design intent is realised and compliance with the requirements of the ADG met, the applicant is required to provide dimension and angles of blades and openings, to be submitted."

6. Tower Bulk

The building is considered to be of significant bulk. Careful consideration is considered necessary in this instance given the building provides a bookend to Market Street. It is noted that the removal of the splays on the balconies would narrow building by 1.4-1.6m.

Response:

Whilst Council notes that the balcony splays increase the width of the buildings by 1.4m -1.6m it is noted that the balcony splays only marginally reduce the level of compliance with the required 6m non-habitable setback. It is further noted that the balcony splays add visual interest to the architectural design of the building and prevent the tower from having the appearance of a regular shaped 'box', which would be inappropriate at the western terminus of Market Street. Further, the form of the tower was supported by the DRP at its meeting of 9 October 2018, which is evident in the following commentary from the panel:

"The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression."

"A competent and appropriate building aesthetic has been developed."

7. Wind Impacts

The Wind Effects Report submitted with the application is for the previous scheme approved on the site. A report that has been undertaken on the current plans will be required.

Response

The accompanying Wind Assessment Report prepared by ANA Civil P/L concludes the following:

"NA Civil P/L has investigated and calculated the annual gust speed at critical sections of the proposed development at No. 28-32 Young St, Wollongong in accordance with AS 1170.2 (Wind Actions). As per Section 3.3 of this report the maximum annual gust wind speeds in walk ways, open spaces, public & private courtyards complies with AS 1170.2 (Wind Actions) and Wollongong City Council's DCP 2009 Chapter D13 Section 5.5.

We have also reviewed the wind tunnelling assessment conducted by Windtech Consultants Pty Ltd in July 2016 using the superseded architectural plans and compared the relevant recommendations with the latest architectural plans by ADM Architects-Issue A dated August 2018, and can confirm compliance with this."

8. Apartment Size and Layout

Bathrooms and bedrooms are accessed directly off kitchen / living / dining areas contrary to objective 4D3 of SEPP 65.

Response

Whilst a number of apartments contain bedrooms accessed directly off a living/kitchen area, this arrangement provides of the most functional use of apartment space. It is acknowledged that the Apartment Design Guide encourages access to bedrooms, bathrooms and laundries to be separated from living area,

however it is noted that this is provided as design guidance only, with the recommendation that direct access to bedrooms from living spaces be 'minimised'. It is noted that many of the proposed apartments contain short corridors, which permit separation of access to bedrooms. Where this is not provided, Council's attention is drawn to the fact that the design of all apartments has been the subject of a detailed and extended design process, which has resulted in functional and desirable apartments layouts, where overall resident comfort and amenity will not be compromised by direct access to bedrooms from living spaces.

Further, it is noted that the DRP at its meeting of 9 October confirmed that "*Apartments are generally designed in a functional manner to provide a reasonable level of amenity to future occupants.*"

9. Safety and Security

The communal storage area is not considered to be ideal as there is poor surveillance of the space and it results in entrapment opportunities.

Response:

Drawing A-102 (issues B) prepared by ADM Architects now contains details of security provisions which have been applied to the residential storage area such as the security gate, swipe card access, lighting to AS1158.1 and surveillance cameras. Such measures will provide an appropriate level of surveillance of this area and acceptable security levels.

10. Landscaping

The driveway crossing does not quite match the CCPDTM requirements; please modify the plan to match the layout indicated in Section 3.2.

It is noted that the water main is located behind the kerb and gutter on Young Street, the construction of the link channels above the water main can include horizontal root barrier to protect the main. The species are to be Syzigium paniculatum. Please include two more trees, one midway, one at closer to the southern boundary.

The roof terrace with the swimming pool appears not to have a structure that will act as a southerly wind break, nor are there any shade structures in the outdoor area. Please allow for a cabana, or outdoor shelter/room in this space.

Response:

The accompanying Landscape Plan prepared by Ochre now incorporates:

- Level 2: Changes to the Level 2 communal open space to address the issues raised by the design review Panel;
- Lower GL: Amended driveway finish (layback) and street tree species nomination;
- Upper GL: additional street trees and street tree species nomination being two additional street trees (*Syzigium paniculatum*) to the Young Street frontage.
- Level 6 Plan: An extended roof covering over the pool deck space and a shade structure which extends over the space area at Level 5.

11. Natural Ventilation

Please confirm whether the northern and southern windows on corner units are operable. This would seem be necessary in order for those units to be nominated as cross ventilated.

Response

The amended architectural plans now confirm that the louvres on the northern and southern windows of the corner units will be operable.

12. Contamination

A review of all documentation with regards to SEPP 55 has been undertaken and it remains unclear how previous soil sampling and analysis recommended in the Preliminary Site Investigation (PSI) dated 13 April 2016 is no longer required in subsequent update letters prepared by Fyfe Consultants dated 24 July 2018 and 28 August 2018. As such, clarification of the need for further soil sampling and analysis, as outlined in the recommendations of the PSI dated 13 April 2016, and the need for any subsequent Detailed Site Investigation (DSI) is to be submitted to Council for assessment.

Response

The accompanying correspondence from Fyfe confirms that a detailed Site Investigation is not required for the following reasons:

"Fyfe had examined and considered in the 2016 PSI that the risk factors that would trigger the need for a DSI were not present (due to the absence of contaminating activities or facilities on the site, the absence of any apparent fill material and the absence of any potentially contaminating activities having occurred on neighbouring properties). Fyfe confirms in this letter of October 2018 that a DSI is not required at the site. This recommendation is consistent with SEPP 55 and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended), where a DSI or management may be required if the PSI identifies data gaps.

The sampling and analysis recommended in the 2016 PSI would be for the purpose of soil classification for off-site disposal, and this is not an outcome of a DSI, hence a DSI would be inappropriate at the site.

Furthermore, the recommendation to sample after the removal of the existing site structures is consistent with professional assessment practices and accommodates the known need for an asbestos removal program. Sampling prior to asbestos removal works would be superfluous.

Fyfe clarified in our letter of 28 August 2018 that the sampling and analysis recommendations should be incorporated into the Construction Environment Management Plan to be established for the demolition and construction works."

It must also be clarified in the response that all reports relied upon with regards to SEPP 55 have been prepared by a suitably qualified and experienced consultant who is certified under the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environment It must also be clarified in the response that all reports relied upon with regards to SEPP 55 have been prepared by a suitably qualified and experienced consultant who is certified under the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)) or the Soil Science Australia (SSA) al Practitioner (Site Contamination) scheme (CEnvP (SC)) or the Soil Science Australia (SSA).

Response:

Fyfe has provided all reports which have been relied upon to Michael Nicholls of iEnvironmental, who is certified under the CEnvP (SC) scheme. The accompanying peer review confirms the following:

"A DSI and/or a remediation action plan would only be triggered if significant ground contamination is encountered during insitu waste classification sampling. There is no requirement to undertake a DSI or remediation / RAP based on the environmental and geotechnical information reviewed. The insitu waste classification should be undertaken prior to construction. An asbestos management plan should be part of the construction processes for safe management of asbestos materials."

We trust that the above information addresses the relevant items raised by Council and look forward to Council progressing the application.

We also request that Council not re-advertise the application noting that the changes which are proposed will have no impact on adjoining property owners.

Please do not hesitate to contact the applicant in the first instance, or the undersigned if further clarification is sought.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Elaine Treglown', followed by a horizontal line.

Elaine Treglown
Director
TCG Planning

Attachment 1: Clause 4.6 – Exceptions to Development Standards Report (Building Separation)

Appendix 1

Revised Clause 4.6 'Exception to Development Standards' Statement:

Clause 8.6 Building Separation

8 November 2018

1.0 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 report is therefore provided in order to justify why a variation is required 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:

2.0 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 B3 Commercial Core zone of WLEP 2009.

3.0 Discussion of Compliance with Clause 8.6 of WLEP 2009

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

Table 1: Compliance with Clause 8.6 of WLEP 2009

Level	Functions	Height	Relevant Clause	Separation Required	Separation Provided	Compliance
Levels LG-UG	Commercial	Below street frontage height	8.6(2)(a)	Nil	Nil	Complies
Levels 1-4	Residential	Below street frontage height	8.6(3)	16m to any other building	Nil	Variation sought
Levels 5-13	Residential	Above street frontage height and below 45m	8.6(2)(b)	20m to any other dwelling	No adjacent interface to existing buildings to north and south. Refer discussion below regarding relationship to 'concept' development on site to the north (20-26 Young St).	
Level 14	Residential	Above and 45m	8.6(2)(c)	28m to any other building	No adjacent interface to existing buildings to north and south. Refer discussion below regarding relationship to concept development on site to the north (20-26 Young St).	

The proposed fifteen (15) storey building contains commercial functions at the Lower Ground and Upper Ground Levels and residential apartments at Levels 1 through to 14. **The Lower Ground and Upper Ground Levels of the building comply with the provisions of clause 8.6(2)(a)** as this clause requires nil separation between buildings up to street frontage height.

Subclause (3) applies to the residential functions at Levels 1 to 13, whilst subclause (2)(c) applies to Level 14, as it is fully above the 45m height line.

The following discussion therefore considers whether the following separation distances are met:

- A 16-20m separation for the residential apartments located at levels 1-13 [subclause (3)].
- A 28m separation distance for level 14 [subclause 2(c)];

The subject site has a primary frontage to Belmore Street to the east and secondary frontage to Young Street to the 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.

Separation Distances to Existing Adjacent Buildings to the North

The allotment further to the north of the subject site identified as No. 24 Young Street, is currently vacant. A previous DA for the site was approved for demolition of existing buildings and the construction of an 8 storey commercial building with 3 levels of basement parking (DA-2007/1094), however, the approval was issued on 4 September 2008, and therefore it is unlikely to be current. A more current development application approval was issued for the site (DA-2012/1308 approved 17 March 2014) for construction of a four (4) storey commercial building, which was not constructed at the time of writing this report. Given

the site is currently vacant and there is a possibility that either building may never be constructed, these approvals are considered to be irrelevant to the provisions of this clause in relation to the proposed development.

The property directly to the north of the subject site identified as No.26 Young Street and also the property further to the north being No.24 Young Street, Wollongong, are both located within 20 metres of the subject building. At No.26 Young Street directly adjoining the site to the north, is a single storey commercial/light industrial building (car wash facility) which does not contain any dwellings. The provisions of subclause 3(a) therefore do not apply in this instance, however, subclauses 2(b), 2(c) and 3(b) do apply.

Therefore, in accordance with that subclause, all habitable parts of the residential dwellings at Level 1 through to Level 13 of the proposed development including any balcony, must not be less than 16 metres from this adjacent building to the north [subclause 3(b)] and Level 14 must be at least 28m from any other building [subclause 2(c)]. A Clause 4.6 Exceptions to Development Standards Report which seeks variation to this standard is contained in **Section 4** below.

Separation Distances to Existing Adjacent Buildings to the South

The property directly to the south of the subject site identified as No.36-40 Young Street, Wollongong contains two separate (albeit with zero setbacks) buildings. It is noted that there is a current approval (dated 18 February 2015) for strata subdivision of this site into two commercial allotments (according to Council's online DA Register). The building on the southern-most boundary of No.36-40 is a five storey commercial building (Illawarra Credit Union), however, this building is located more than 20 metres from the property boundary of the subject site, therefore is not relevant in this instance. The second building which is directly adjacent to the subject site on its southern boundary and does fall within the 12 to 20 metres of the proposed building, is a two storey commercial building extending almost the full width of the site, which does not contain any dwellings.

Therefore, in accordance with these subclauses, all habitable parts of the residential dwellings at Levels 1 through to 13 of the proposed development including any balcony, must not be less than 16 metres from this adjacent building to the south [subclause 3(b)] and Level 14 must be at least 28m from any other building [subclause 2(c)]. A Clause 4.6 Exceptions to Development Standards Report which seeks variation to this standard is contained in **Section 4** below.

Separation to Future Buildings on Adjacent Site to North (No. 20-26 Young St)

Clause 8.6 of WLEP 2009 only requires consideration of building separation to existing buildings and does not require consideration of separation to potential future buildings. Irrespective of this, for the purpose of a comprehensive assessment of the impact of the reduced separation distances, consideration has been given to the separation to the proposed development at No. 20-26 young Street to the immediate north. It is noted that a 'concept' plan has been prepared for this site, however this prospective development has not been the subject of a formal application to Council.

Separation to Other Buildings on Adjoining Sites

Other developments in the vicinity which are not located within the specified relevant distances due to the separation provided by road reservations are:

- Diagonally opposite the subject site on the corner of Market and Young Street (No.89 Market Street Wollongong) is a four (4) storey commercial building.
- Directly to the west of the site on the opposite side of Belmore Street are older low density residential housing stock in the form of single dwellings.
- A large shop top housing development (PeopleCare) is located further to the north of the site at the intersection Belmore and Victoria Streets (Nos 3-15 Belmore and 2-12 Young Street).
- It is noted that a two storey shop top housing building located at No.26 Belmore Street, directly opposite the site. This building, due to its zero front building setback is approximately 20 metres from the subject site's western property boundary, however, given the tower of the proposed development is 19.19m from this property boundary, the provisions of subclauses (2) and (3) are met with respect to this building. Therefore, the development complies with this clause.

4.0 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 2 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 to existing buildings:

- Residential dwellings at Level 1 through to Level 13 of the proposed development, which do not meet the required 16 metres from the adjacent commercial buildings to the north and south [subclause 3(b)];
- Residential dwellings at Level 14 of the proposed development which does not meet the required 28m from the adjacent commercial buildings to the north and south [subclause 2(c)].

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 2: 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
(1) Objectives a) to provide an appropriate degree of flexibility in applying certain development	Flexibility is sought for the application of the building separation requirements to the north and south for the residential levels of the building (levels 1-14) so that a better outcome is achieved for the site. The particular circumstances for this are as follows: North:	Justified

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone

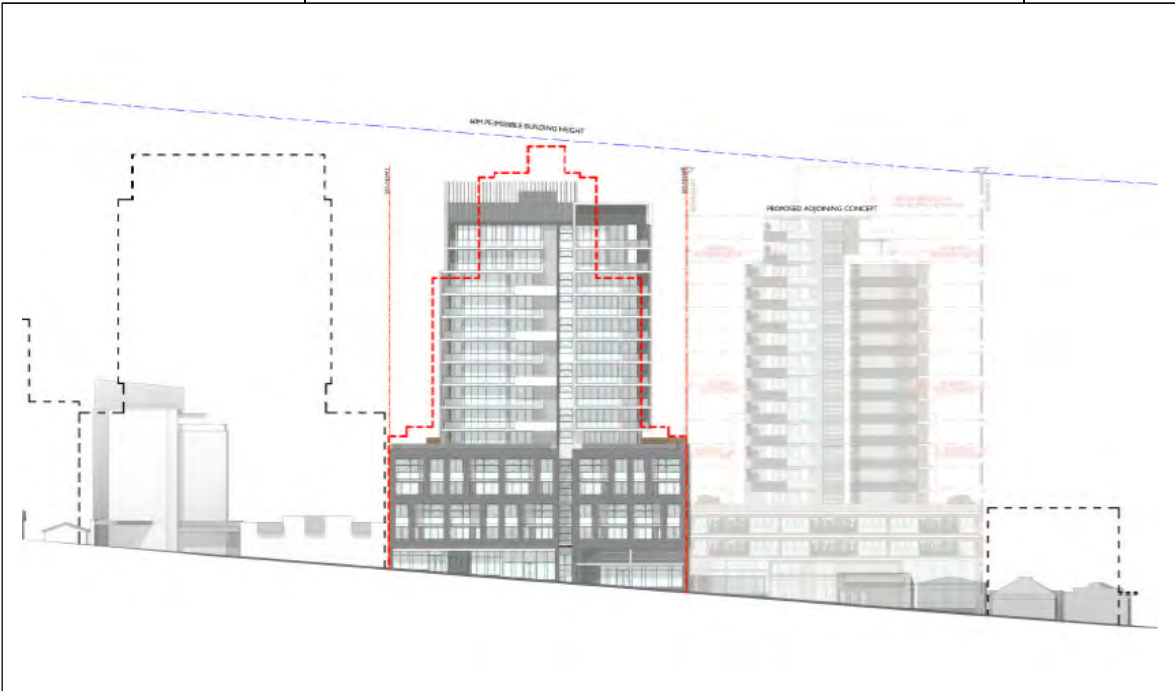
Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<p><i>standards to particular development, and b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances..</i></p>	<ul style="list-style-type: none"> At No.26 Young Street directly adjoining the site to the north, is a single storey commercial/light industrial building (car wash facility). Whilst a previous DA for an eight storey building was approved for No. 24 Young Street (DA-2007/1094), this approval appears to have lapsed. Hence, there are no existing or approved buildings for the sites to the north for buildings of above 1 storey. Therefore, there is no direct interface between the adjacent development to the north and any of the residential levels of the building. The only interface is limited to the Lower Ground/Upper Ground commercial levels of the building, which are sited on the side boundary, as required by clause 8.6. Currently compliance with the building separation requirements of clause 8.6 is therefore achieved to the north. However, consideration has been given to the potential compliance with the building separation requirements in the event that the adjacent site to the north is developed, noting that a 'Concept' Plan has been prepared and has been the subject of early discussions with Council. The extract of the revised Contextual Streetscapes (Young Street Aspect) prepared by ADM Architects as reproduced in Figure 1 below shows the outline of the 'concept' buildings on the sites to the north. 	
	<p>Figure 1: Contextual Streetscape</p> 	<ul style="list-style-type: none"> Figure 1 confirms that, whilst compliance with the required 20m separation will not be achieved, compliance with the requirements of the ADG will be achieved to the walls and the principle balcony areas (excluding angles) at <u>Level 6-12</u> of the building (refer to larger scale diagram in architectural package for dimensions). The standards contained in the ADG are considered to be the more appropriate guiding standards which should be adhered to, noting that the

Table 2: 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>provisions of clause 8.6 of WLEP 2009 conflict with such standards. Further, at Levels 6-12 of the building the minimisation of windows and the provision of louvres to balconies ensures that the objectives of the controls are met with respect to privacy and overlooking.</p> <ul style="list-style-type: none"> ▪ <u>At Level LG to 4</u> the proposed building at No. 28 Young Street is sited on the boundary, providing a zero setback. This is an appropriate streetscape outcome which provides a continuous building form at street level and which meets the provisions of clause 2.5 of Chapter D13 (Wollongong City Centre) of WDCP 2009. This clause requires nil setbacks for both commercial and residential uses up to the street frontage height in the commercial core zone. The 'concept' building to the north also contains a zero setback at the first three levels, with a 9m setback at the upper levels. There will be no overlooking impacts given the interface of the 'concept' building with the zero boundary setback of the proposed building at No. 28 Young Street. ▪ At <u>Level 5</u> reduced setbacks are provided to the communal open space and balconies. However, this level is located on the roofspace of Level 4 which meets the nil separation requirement of clause 8.6(2)(a). Further, this level provides extensive landscaping which will create non trafficable areas and a high level of screening to address privacy concerns. ▪ Above 45m in height (<u>Levels 13 and 14</u>) a 20.44m separation will be provided between walls (12m for the concept proposal and 8.44m for No. 28), however the walls of the proposed development at No. 28 Young Street do not contain any openings, protecting privacy. Whilst lesser separation is provided between balconies and particularly the angled corners, such balconies are provided with louvres to address privacy. Angling of balconies also provide visual interest. <p>South:</p> <ul style="list-style-type: none"> ▪ To the south of the proposed building is a five storey commercial building (Illawarra Credit Union) at No.36-40 Young Street, however, this building is located more than 20 metres from the property boundary of the subject site, therefore is not relevant in this instance. The second building which is directly adjacent to the subject site on its southern boundary and does fall within the 12 to 20 metres of the proposed building, is a two storey commercial building extending almost the full width of the site, which does not contain any dwellings. ▪ The only interface with this building is at the Upper Ground (commercial) level at Young Street and at Level 1, which contains residential units. The commercial level complies with the provisions of clause 8.6 as there is nil separation with adjacent buildings at this level which is below street frontage height. Whilst Level 1 is also below street frontage height, this level is required to adhere to a 16m separation distance as the proposed development contains a dwelling (noting that the adjacent building does not). ▪ Variation to the 16m separation control of clause 8.6 is considered warranted as the provisions of zero setbacks on the southern (and northern) boundary provides a strong base to the building and a continuous street form in this inner city location, as intended by the provisions of Chapter D13 of WDCP 13. Further, the residential units at Level 1 (and Levels 2-4) do not contain any windows on the southern (or northern) boundaries but entirely face the street, thereby addressing potential privacy and amenity issues. 	

Table 2: 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>The building has been sited towards the Young Street frontage to provide a strong street address at the western termination of Young Street. Narrowing of the building form (and extension of the tower in a western direction) would not provide an appropriate, nor desirable built form outcome and would not achieve the 'monumental' building as requested by the Design Review Panel.</p> <p>The Design Review Panel has supported the positioning of the building having regard to both spatial separation and privacy objectives and has advised of the following at its meeting of 9 October 2018:</p> <ul style="list-style-type: none"> ▪ "On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved." ▪ "The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression." ▪ "A competent and appropriate building aesthetic has been developed." <p>Hence, it is considered that the objective of this clause is addressed.</p>	
(2) <i>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>	This subclause is not relevant to the subject proposal.	N/A
(3) <i>Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i>	This table comprises the written request seeking to justify the contravention of the building separation development standard.	Provided

Table 2: 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>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p>	<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> This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied). 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> This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied).</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> 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>The zoning of the land is unreasonable or inappropriate. 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>Overall: Compliance with the applicable building separation distances are considered to be unreasonable and unnecessary in the circumstances of the case as the consolidation of all allotments on the site provide the opportunity for an alternative (and satisfactory) site planning and built form outcome to that anticipated by the formal planning controls (as demonstrated below).</p> <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 only 9m for non-habitable rooms (ie. 4.5m on each adjoining development site) for up to 25m and 12 (ie. 6 m per site) for over</p>	<p>Justified</p>

Table 2: 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>25m. The building achieves the non-habitable separation standards which are considered to be appropriate given the orientation of residences to Belmore and Young street and the strategic placement of louvres windows and balconies to prevent overlooking of adjacent buildings to the north and south.</p> <p>It is therefore justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</p>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<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 particular to the development 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, based on the following:</p> <ul style="list-style-type: none"> i) The placement of the building provides a suitable tower width for this site at the western termination of Market Street; ii) The lower levels of the building provide a strong base to the building, with nil setbacks to provide a continuous street form as required by Chapter D13 of Wollongong City Center; iii) There is no immediate interface at the majority of levels within the building due to the 1-2 storey nature of <u>existing</u> adjacent developments to the north and south; iv) The separation distances which are proposed are generally consistent with that approved pursuant to DA 2016/1061, with only minor reduction at the upper levels as the proposed building does not incorporate additional and 'stepping' at the top two levels of the building, as this would not result in a desirable tower form. However, it is noted that at the upper levels there is no direct interface with any <u>existing</u> adjacent building. <p>If the minimum building separation distances were achieved on this site, the resultant building footprint, particularly for the tower element, would be narrow and would not achieve the orderly and economic development of land. Further, the JRPP in its favorable determination of DA 2016/1061 (which remains valid) has endorsed the general positioning of the building on the site, which indicates that the objectives of the standard can be met and the necessity for adherence to the controls is outweighed by the desired built form outcomes.</p> <p>In addition, as demonstrated in this 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 (refer Section 5 & 6); ▪ Other provisions of the WLEP 2009 (refer Section 7); ▪ The relevant Chapters of WDCP 2009 (refer Section 8); ▪ Section 4.15 of the Environmental Planning and Assessment Act 1979 (refer Section 9). <p>The reduced separation distances continue to adhere to the non-habitable design criteria of the ADG which have been specifically prepared to ensure that new development provides visual and acoustic privacy for existing and new residents; controls overshadowing of adjacent properties; and provides appropriate massing and spaces between buildings.</p>	Justified
(4) Consent must not be granted for development that		

Table 2: 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><i>contravenes a development standard unless:</i> <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 floor space ratio 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>"to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access".</p> <p><u>Objectives of the Zones</u></p> <ul style="list-style-type: none"> ▪ 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. 	<p>Despite the exceedence of the allowable 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: Provides a suitable built form to the consolidated block site by maintaining the continuous built form which is sought along Young and Belmore Streets and transferring the majority of the floor area to the tower element which is focused on the Young Street frontage, being the primary commercial frontage. ▪ Solar Access and Privacy: The orientation of dwellings and the separation distances proposed will continue to provide privacy for existing tenants of the (currently commercial) adjacent properties, and for new residents of the proposed building (and future buildings on adjacent sites). It will not impact on overshadowing as depicted within the Shadow Analysis; and will continue to provide acceptable spatial separation between buildings. <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 both the B3 Commercial Core zone as it will:</p> <ul style="list-style-type: none"> ▪ Provide ground floor retail/commercial uses to meet the needs residents and visitors to the locality, and provide employment opportunities for the tenants and employees of these tenancies; ▪ Provides retail/commercial uses in close proximity to the existing transport infrastructure (bus, rail, cycling); ▪ Provides a suitable built form and land use development for at a highly accessible location to the amenities and facilities of the Wollongong city centre; ▪ provide a range of apartment types in immediate/very close proximity to the commercial centre and public transport. <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>	Justified
<p><i>(c) the concurrence of the Director-General has been obtained.</i></p>	<p>Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be</p>	Addressed

Table 2: 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
	assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	
<i>(5) In deciding whether to grant concurrence, the Director-General must consider:</i>		
<i>(a) 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>(b) the public benefit of maintaining the development standard, and</i>	<p>The development is located on a large consolidated site at the western termination of Market Street. The profile of this site lends itself to ensuring the development which occurs is consistent with the Vision for the City Centre. The subject development, while varying the separation distances required by clause 8.6 of WLEP 2009, will not result in any increase in any unreasonable impacts on nearby properties (all commercial/non-residential), particularly having regard to its level of compliance with the separation distances of the ADG and setback requirements of WDCP 2009.</p> <p>There will be no measurable public benefit by adhering to the separation distance requirements of Clause 8.6, particularly as they place a more onerous, and arguably excessive, separation requirement on the development.</p> <p>Hence, the proposed development will not raise any matter of state or regional planning significance.</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

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 basis of desired built form outcomes, the need for a continuous street alignment, the lack of interface with existing adjacent buildings, the ability to develop adjacent sites with adherence to separation distances, general consistency with separation distances of the previous approved development on the site (DA 2016/1061), acceptable spatial separation to the 'concept' proposal on the adjacent site to the north and achievement of environmental planning outcomes. 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. The proposed development is consistent with Council's vision for the Wollongong City Centre and adheres to the three dimensional building envelope controls established by WLEP 2009 (height/FSR) and the Residential Flat Design Code (non-habitable separation distances). On this basis, strict compliance with the FSR and building separation controls of WLEP 2009 is considered unnecessary.

October 30, 2018
Project No. 21915/1197D
Report No. 18/3287B
MG/ms

Level Up Projects Pty Limited
7 Yorrel Close
ALFORDS POINT NSW 2234

**SITE ADDRESS: 28-32 YOUNG STREET & 29-31 BELMORE STREET,
WOLLONGONG**

Assessment / Recommendations

STS GeoEnvironmental Pty Limited (STS) has previously undertaken a geotechnical investigation for a proposed new residential development at the above mentioned address. Our previous report, referenced 18/0740, dated March 2018 should be read in conjunction with this letter.

At the time of compiling the March 2018 report STS were informed that the development comprised construction of up to seventeen (17) above ground levels, with a single level of basement car parking. Due to the slope of the site construction of the basement would require excavating between 1 and 4 metres below the ground surface. We understood that additional basement levels were to be considered, subject to the outcomes of the previous geotechnical investigation.

We understand that due to the presence of very high strength bedrock, the client did not wish to proceed with additional basement car park levels, and that it is proposed to locate the car parking above ground. We understand Wollongong Council have requested further justification as to this decision, with particular reference to the subsurface conditions present on the site.

As presented in Table 4.1 of our previous report, fresh very high strength Class III bedrock was encountered below depths of 3.8 to 4.5 metres in BH1 and BH5, with the bedrock improving to Class II below depths of 4.6 to 7.0 metres. Based on the results of the previous Point Load Testing, the bedrock is estimated to have Unconfined Compressive Strengths in the order of 40 to 100 MPa. The natural defect spacing (i.e. excluding drilling/handling breaks) of the bedrock in BH1 below a depth of 4.6 metres is typically greater than 1 metre.


To assess the excavatability of bedrock, the chart proposed by Pettifer and Fookes (1994) is often adopted. Based on this chart, bedrock with a Point Load Index IS^{50} value of 5 or greater, and a defect spacing of 1 metre or greater would require blasting to remove, that is, it would not be expected to be rippable, and would be extremely hard to remove with hydraulic rock hammers.

Given the location of the site and its proximity to adjoining structures, the use of blasting materials is not considered appropriate.

The use of conventional excavation methods, i.e. rock sawing and breaking up of the bedrock using hydraulic hammers attached to very large (say 60 tonne) excavators may be feasible, however you should expect the progress rates to be very low. The use of large excavators and rock hammers will also generate ground borne vibrations. Vibrations generated during rock hammering have the potential to damage adjoining structures, particularly when the peak particle velocity generated during rock hammering exceeds 10mm/second. The equipment required to remove the Class III/II bedrock on the subject site would be capable of generating vibrations far in excess of this value.

We trust this meets with your requirements. Should you have any questions, please contact us.

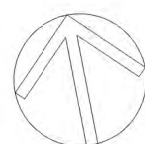
Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matthew Green', enclosed within a large, hand-drawn oval.

Matthew Green
Senior Engineering Geologist
STS GeoEnvironmental Pty Limited

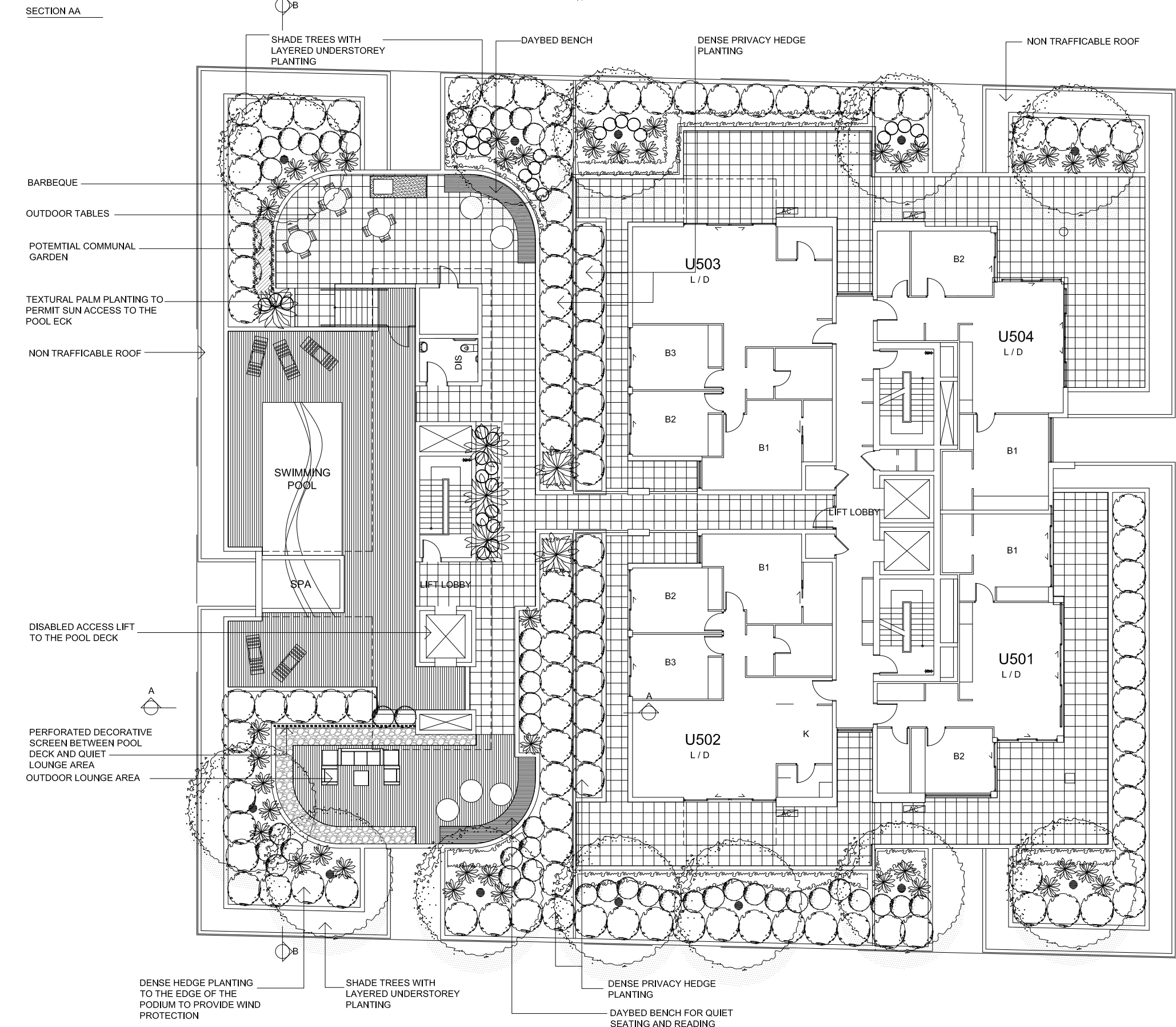
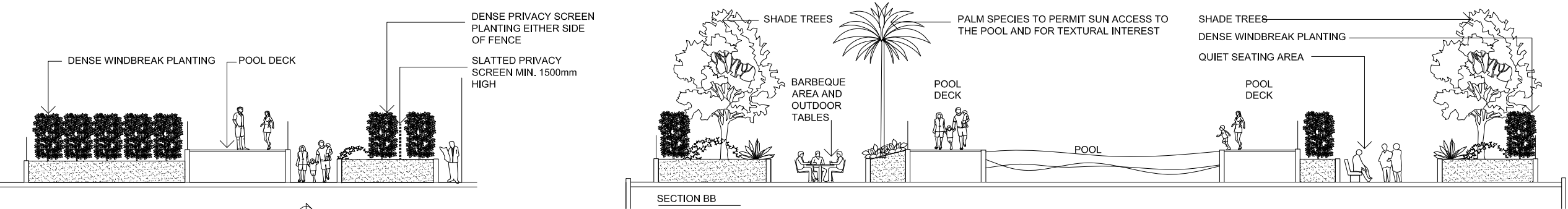
ISSUE	DATE	DESCRIPTION
A	01.08.18	ISSUED FOR DA
B	01.11.18	AMENDED FOR DA

BELMORE STREET



LOWER GROUND RL varies

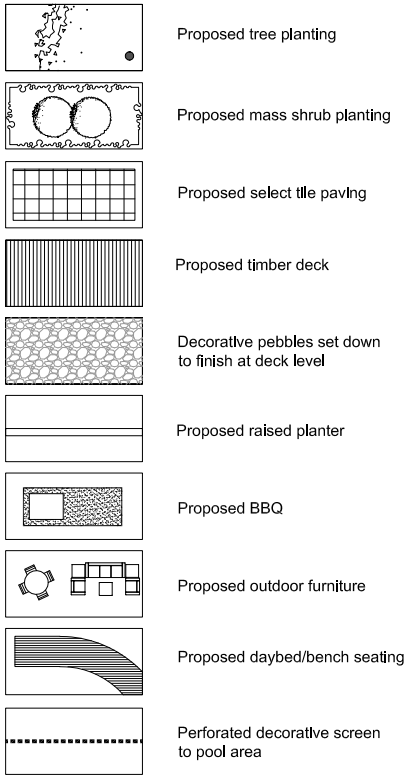
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RECOMMENDED SPECIES

BOTANIC NAME	COMMON NAME
TREES	
Lagerstroemia indica	Crepe Myrtle
Magnolia 'Teddy Bear'	Saucer Magnolia
Plumeria acutifolia	Franagipani
TALL SHRUBS	
Acmena 'Cherry Surprise'	Dwarf Lily Pilly
Photinia glabra 'Rubens'	Photinia
Viburnum 'Eve Prince'	Sweet Viburnum
Echium fastuosum	Pride of Madeira
Ixora chinensis	Prince of Orange
Metrosideros 'Fiji Fire'	Dwarf NZ Xmas Bush
Syzygium 'Resilience'	Brush Cherry
Westringia fruticosa	Coastal Rosemary
SMALL SHRUBS	
Acmena 'Allyn Majic'	Dwarf Lily Pilly
Lavandula stoechas	Lavender
Rahiolepis 'Oriental Pearl'	Dwarf Hawthorn
Gardenia augusta 'Florida'	Gardenia
Metrosideros 'Dalese'	Dwarf NZ Xmas Bush
Westringia 'Mundil'	Dwarf Coastal Rosemary
ACCENT PLANTS	
Cycas revoluta	Japanese Sago
Raphis excelsa	Raphis Palm
Strelitzia reginae	Bird of Paradise
Zamia furluracae	Cardboard Plant
GROUNDCOVERS	
Alternanthera 'Little Ruby'	Alternanthera
Juniperus conferta	Shore Juniper
Liriope muscari 'Evergreen Giant'	Turf Lilly
Philodendron 'Xanadu'	Philodendron
Trachelospermum jasminoides	Star Jasmine

LEGEND



ISSUE: Amended Development Application 02.11.18
ISSUE: For Co-ordination 01.11.18
ISSUE: Development Application 03.08.18
ISSUE: For Co-ordination 19.07.18, 23.07.18, 28.07.18
REV.A: Amend Communal Open Space 31.10.18



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Email: design@ochre.net.au

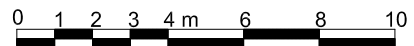
PROJECT
Proposed Mixed Use Development
28-32 Young St and 29-31 Belmore St
WOLLONGONG

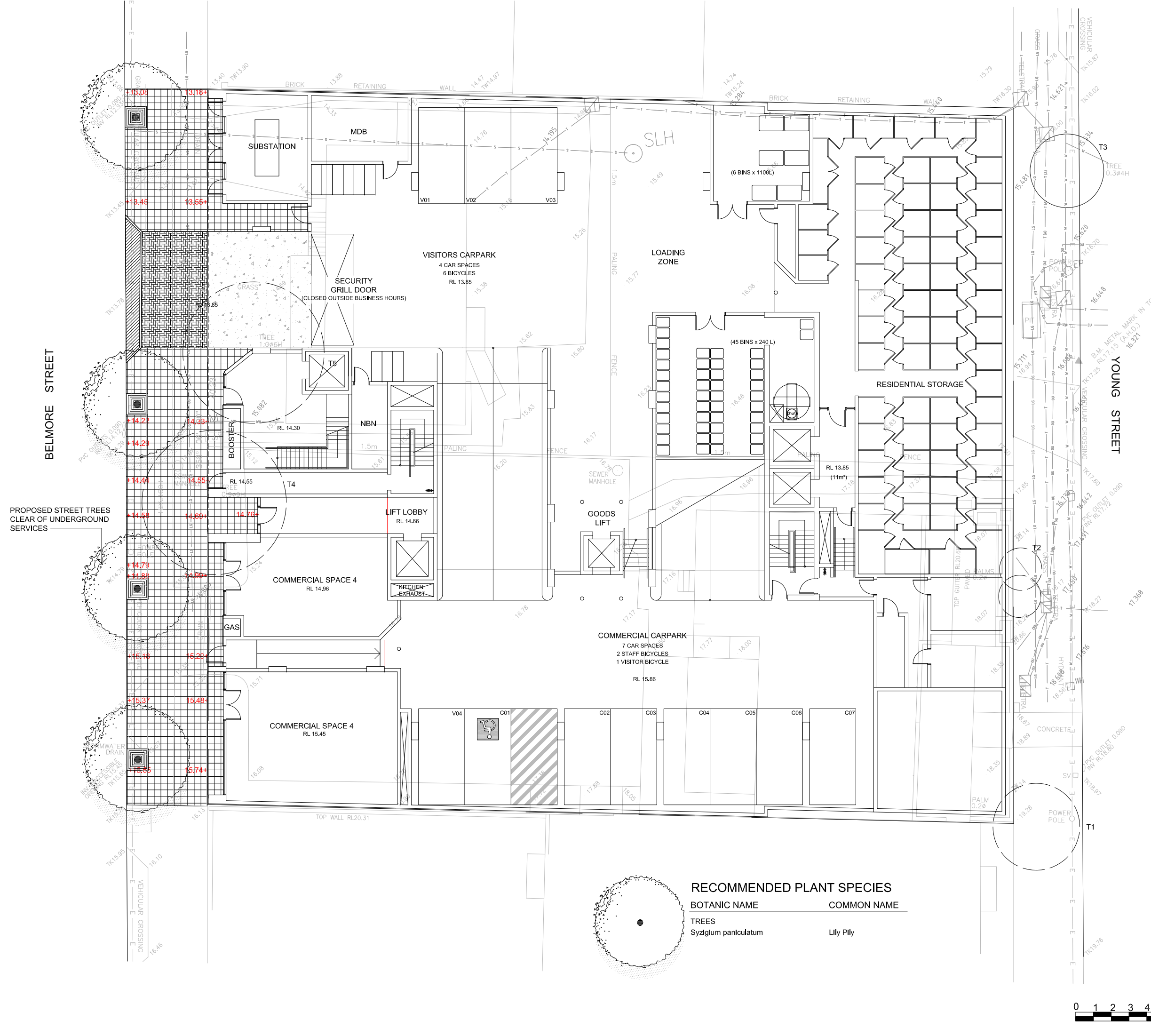
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LEVEL 5
Landscape Concept Plan

CLIENT
Level Up Projects Pty Ltd

DRAWING NO.
1863-LD03A

SCALE: 1:100 @ A1, 1:200 @ A3
CHECKED: TW
DATE: 18.07.18





LEGEND

- Existing levels and contours
- Proposed spot levels
- Existing trees to be retained
- Existing trees to be removed
- Proposed tree planting
- 'Stradapave' paving by Adbri Masonry. Colour: Ebony Basalt Dark Grey. Finish: Milled, Size 300x300x60mm *
- 'Truepave' paving by Adbri Masonry. Colour: Charcoal. Pattern: Herringbone Finish: Honed, Size 225x112x80mm *
- Broom finish concrete ramp with single paver width stretcher bond band to edge of ramp
- Proposed charcoal coloured concrete driveway
- Proposed tree grates and guards by City Green as per Public Domain Manual

EXISTING TREE SCHEDULE

No	Botanical Name	Action
T1	Howea forsteriana	Remove
T2	Cyathea cooperi	Remove
T3	Syzgium paniculatum Cv.	Retain
T4	Eucalyptus nichollii	Remove
T5	Ligustrum lucidum	Remove

NOTE: The above tree schedule has been extracted from the arborist's report prepared by Allied Tree Consultancy dated 08.02.16. Refer to the arborist's report for further details on the existing trees.



ISSUE: Amended Development Application 02.11.18
ISSUE: For Co-ordination 01.11.18
ISSUE: Development Application 03.08.18
ISSUE: For Co-ordination 19.07.18, 31.07.18
REV.A: Amend street trees, driveway finish 31.10.18



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PROJECT

Proposed Mixed Use Development
28-32 Young St and 29-31 Belmore St
WOLLONGONG

DRAWING TITLE

LOWER GROUND LEVEL
Landscape Concept Plan

CLIENT

Level Up Projects Pty Ltd

DRAWING NO.

1863-LD01

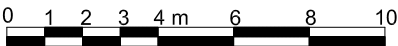
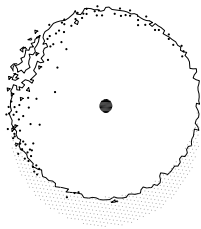
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CHECKED: TW

DATE: 18.07.18

RECOMMENDED PLANT SPECIES

BOTANIC NAME	COMMON NAME
TREES	
Syzgium paniculatum	Lily Pili



BELMORE STREET

YOUNG STREET

LEGEND

- Existing levels and contours
- Proposed spot levels
- Existing trees to be retained
- Existing trees to be removed
- 'Basalt Dark' paving by Wilmid Pty Ltd.
Colour: Dark Grey Basalt.
Finish: Exfoliated. Size 600x300x40mm*



ISSUE: Amended Development Application 02.11.18
ISSUE: For Co-ordination 01.11.18
ISSUE: Development Application 03.08.18, 07.08.18
ISSUE: For Co-ordination 19.07.18, 31.07.18
REV.A: Amend street trees 31.10.18

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PROJECT
Proposed Mixed Use Development
28-32 Young St and 29-31 Belmore St
WOLLONGONG

DRAWING TITLE
UPPER GROUND LEVEL
Landscape Concept Plan

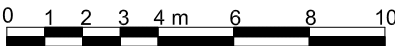
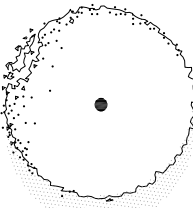
CLIENT
Level Up Projects Pty Ltd

DRAWING NO.
1863-LD02A

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CHECKED: TW
DATE: 18.07.18

RECOMMENDED PLANT SPECIES

BOTANIC NAME	COMMON NAME
TREES <i>Syzigium paniculatum</i>	Lily Pilly



Attachment 4: Apartment Design Guide assessment table

Standard/control	Comment
Part 1 – Identifying the context	
Part 1 is informative for strategic planning matters and not specifically applicable to development applications.	
Part 2 – Developing the controls	
<p><u>2E Building depth</u></p> <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation.</p> <p><u>2F Building separation</u></p> <p>Aims</p> <ul style="list-style-type: none"> • ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings • assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook • provide suitable areas for communal open spaces, deep soil zones and landscaping. <p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>Nine storeys and above (>25m)</p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable 	<p>Levels 1 to 5 do not comply with this requirement. The units on those levels are however two storey and satisfy the minimum natural ventilation and solar access requirements.</p> <p>The proposal does not comply for levels 1-5. The building is however required to be built to the boundary under clause 8.6 of WLEP 2009 as discussed in the body of the assessment report.</p> <p>The proposal does not comply. On level 5 setbacks are well within the recommended separation/setback controls. Setbacks on the north are ~2.2m from edge of private open space, and ~4.8m from the communal open space edge, and on the south, ~4.8m from the communal open space edge ~3.6m from private open space. The ADG recommends 18m separation for balconies (9m setback from boundary where shared equitably).</p> <p>For level 6, setbacks from the boundary on the north from habitable rooms and balconies are between 6.34m-4.7m.</p> <p>The proposal does not comply. Up to level 12 on the northern elevation, habitable rooms are 6.3m and balcony edges 4.7m. On the</p>

<i>Standard/control</i>	<i>Comment</i>
Part 3 – Siting the development	
<u>3A Site analysis</u> Site analysis to include the following: <ul style="list-style-type: none"> • Site location plan • Aerial photograph • Local context plan • Site context and survey plan • Streetscape elevations and sections • Analysis 	A suitable analysis of the site and surrounds has been provided.
<u>3B Orientation</u> <i>Objective 3B-1</i> Building types and layouts respond to the streetscape and site while optimising solar access within the development <i>Objective 3B-2</i> Overshadowing of neighbouring properties is minimised during mid-winter	The podium bulk is not considered to respond to the streetscape. Overshadowing impacts are generally considered acceptable.
<u>3C Public domain interface</u> <i>Objective 3C-1</i> Transition between private and public domain is achieved without compromising safety and security <i>Objective 3C-2</i> Amenity of the public domain is retained and enhanced	The development is considered to provide an acceptable interface with the public domain as follows: <ul style="list-style-type: none"> • Level entry is provided into the building • Entries are clear and legible. • There are no significant concealment opportunities.
<u>3D Communal and public open space</u> <i>Objective 3D-1</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	Street trees are to be provided along the Belmore Street frontage. The footpath for the entire frontage will be renewed. The substation is suitably located and does not detract from aesthetic of the building Mailboxes are located in the lobby A communal open space is provided on level 5 in excess of 25% of the site area with a north and west orientation to maximise solar access. A wheelchair platform lift is provided to ensure equitable access to that space.

<i>Standard/control</i>	<i>Comment</i>
<p><i>Objective 3D-2</i></p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p><i>Objective 3D-3</i></p> <p>Communal open space is designed to maximise safety</p> <p><i>Objective 3D-4</i></p> <p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p> <p><u>3E Deep soil zones</u></p> <p><i>Objective 3E-1</i></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p><u>3F Visual privacy</u></p> <p><i>Objective 3F-1</i></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p><i>Objective 3F-2</i></p> <p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</p> <p><u>3G Pedestrian access and entries</u></p> <p><i>Objective 3G-1</i></p> <p>Building entries and pedestrian access connects to and addresses the public domain</p> <p><i>Objective 3G-2</i></p> <p>Access, entries and pathways are accessible and easy to identify</p> <p><i>Objective 3G-3</i></p> <p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p>The communal open space is generous in size and proportions and provides a variety of spaces and facilities.</p> <p>Passive surveillance of the communal open space is provided and suitably lit.</p> <p>N/A</p> <p>The site is located within the city centre where deep soil planting is generally not required so long as sufficient planting on podium is provided.</p> <p>Visual privacy is of concern for level 5 where setbacks to private open space areas and the communal open space are well below those recommended under the ADG.</p> <p>Communal open space, common areas and access paths are separated from private open space and windows into apartments.</p> <p>Balconies and private terraces are located in front of living rooms to increase internal privacy.</p> <p>Recessed balconies louvres are provided to windows and balcony edges with the exception of level 5 as discussed above.</p> <p>Building entries are clearly identifiable.</p> <p>Entries are clearly visible from the public domain.</p> <p>Level changes are suitably addressed</p> <p>The site is not identified in Council documents as one where a through site link is desirable.</p>

<i>Standard/control</i>	<i>Comment</i>
<u>3H Vehicle access</u> <i>Objective 3H-1</i> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The car park entry is suitably located. Clear sight lines are provided at the vehicle crossing.
<u>3J Bicycle and car parking</u> <i>Objective 3J-1</i> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	The minimum car parking requirement applicable for residents and visitors is that set out in the RMS Guide to Traffic Generating Developments. The development complies in this regard.
<i>Objective 3J-2</i> Parking and facilities are provided for other modes of transport	Motorbike parking complies with the RMS guide. Secure undercover bicycle parking is provided.
<i>Objective 3J-3</i> Car park design and access is safe and secure	Satisfactory
<i>Objective 3J-4</i> Visual and environmental impacts of underground car parking are minimised	The car parking is primarily located above ground. Detail is provided of ventilation of the car parking.
<i>Objective 3J-5</i> Visual and environmental impacts of on-grade car parking are minimised	N/A
<i>Objective 3J-6</i> Visual and environmental impacts of above ground enclosed car parking are minimised	The proposal to locate of all the parking above ground and to have excess parking to that required by Council is considered to result in a large bulky podium. This is considered to result in adverse impacts on the streetscape as well as potential future development on adjoining land.
Part 4	
<u>4A Solar and daylight access</u> <i>Objective 4A-1</i> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Living rooms and private open spaces of at least 70% of apartments within the building receive the requisite minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.

<i>Standard/control</i>	<i>Comment</i>
<p><i>Objective 4A-2</i></p> <p>Daylight access is maximised where sunlight is limited</p> <p><i>Objective 4A-3</i></p> <p>Design incorporates shading and glare control, particularly for warmer months</p> <p><u>4B Natural ventilation</u></p> <p><i>Objective 4B-1</i></p> <p>All habitable rooms are naturally ventilated</p> <p><i>Objective 4B-2</i></p> <p>The layout and design of single aspect apartments maximises natural ventilation</p> <p><i>Objective 4B-3</i></p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p> <p><u>4C Ceiling heights</u></p> <p><i>Objective 4C-1</i></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access</p> <p><i>Objective 4C-2</i></p> <p>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</p> <p><i>Objective 4C-3</i></p> <p>Ceiling heights contribute to the flexibility of building use over the life of the building</p> <p><u>4D Apartment size and layout</u></p> <p><i>Objective 4D-1</i></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p><i>Objective 4D-2</i></p> <p>Environmental performance of the apartment is maximised</p>	<p>All units are considered to receive satisfactory daylight access.</p> <p>The east and west elevation have recessed balcony areas or reduced glazing to minimise heat gain.</p> <p>Satisfactory</p> <p>Single aspect units comply with the maximum depth controls.</p> <p>A minimum of 60% of the apartments are naturally cross ventilated.</p> <p>Floor to ceiling heights and depths of units are satisfactory.</p> <p>The floor to ceiling heights are a minimum of 2.7m.</p> <p>Satisfactory</p> <p>N/A</p> <p>Apartments meet the minimum dimensions.</p> <p>Habitable rooms have windows in external walls of a minimum of 10% of the floor area of the rooms.</p> <p>Windows are visible from all points within habitable rooms.</p> <p>Kitchens are not located in the main circulation space of larger apartments.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height (~7m).</p> <p>maximum habitable room depth in open plan layouts is 8m from a window.</p>

Standard/control	Comment
<p><i>Objective 4D-3</i></p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs</p>	<p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>A number of units have direct access from bedrooms onto living areas contrary to this control.</p> <p>All bedrooms allow a minimum length of 1.5m for robes. The main bedrooms are provided with wardrobes a minimum of 1.8m long, 0.6m deep and 2.1m high.</p> <p>The apartment layouts are considered acceptable in terms of flexibility over time.</p>
<p><u>4E Private open space and balconies</u></p> <p><i>Objective 4E-1</i></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p><i>Objective 4E-2</i></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents</p>	<p>Primary balconies meet the minimum 2m dimension and minimum area requirements.</p> <ul style="list-style-type: none"> • Primary open space and balconies are located adjacent to the living rooms, dining rooms or kitchens • Private open spaces and balconies oriented to maximise solar access.
<p><i>Objective 4E-3</i></p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>	<p>Satisfactory</p>
<p><i>Objective 4E-4</i></p> <p>Private open space and balcony design maximises safety</p>	<p>Satisfactory</p>
<p><u>4F Common circulation and spaces</u></p> <p><i>Objective 4F-1</i></p> <p>Common circulation spaces achieve good amenity and properly service the number of apartments</p>	<ul style="list-style-type: none"> • A maximum of 6 apartments access off a circulation core. • The maximum number of apartments sharing a single lift is does not exceed 40. • Natural light is provided to hallways.

<i>Standard/control</i>	<i>Comment</i>
<p><i>Objective 4F-2</i></p> <p>Common circulation spaces promote safety and provide for social interaction between residents</p> <p><u>4G Storage</u></p> <p>Adequate, well designed storage is provided in each apartment</p> <p><i>Objective 4G-2</i></p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments</p> <p><u>4H Acoustic privacy</u></p> <p><i>Objective 4H-1</i></p> <p>Noise transfer is minimised through the siting of buildings and building layout</p> <p><i>Objective 4H-2</i></p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments</p> <p><u>4J Noise and pollution</u></p> <p><i>Objective 4J-1</i></p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p> <p><i>Objective 4J-2</i></p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p> <p><u>4K Apartment mix</u></p> <p><i>Objective 4K-1</i></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future</p> <p><i>Objective 4K-2</i></p> <p>The apartment mix is distributed to suitable locations within the building</p>	<p>Satisfactory</p> <p>Provided.</p> <p>Secure storage areas are provided for units within the basement. However, the location of these in a communal location on the lower ground level is not considered convenient and raises safety concerns.</p> <p>Direct access to storage from car parking spaces is considered both more convenient and accessible as well as promoting greater safety.</p> <p>The recommended building separation distances are not met.</p> <p>Noisy areas are located next to or above each other and quieter areas next to or above quieter areas.</p> <p>Noise sources are separated from bedrooms.</p> <p>Internal layout designed to minimise noise transference between units.</p> <p>Satisfactory</p> <p>N/A</p> <p>A suitable mix of unit sizes is provided.</p> <p>Satisfactory</p>

<i>Standard/control</i>	<i>Comment</i>
<p><u>4L Ground floor apartments</u></p> <p><i>Objective 4L-1</i></p> <p>Street frontage activity is maximised where ground floor apartments are located.</p> <p><u>4M Facades</u></p> <p><i>Objective 4M-1</i></p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> <p><i>Objective 4M-2</i></p> <p>Building functions are expressed by the façade</p> <p><u>4N Roof design</u></p> <p><i>Objective 4N-1</i></p> <p>Roof treatments are integrated into the building design and positively respond to the street</p> <p><i>Objective 4N-2</i></p> <p>Opportunities to use roof space for residential accommodation and open space are maximised</p> <p><i>Objective 4N-3</i></p> <p>Roof design incorporates sustainability features</p> <p><u>4O Landscape design</u></p> <p><i>Objective 4O-1</i></p> <p>Landscape design is viable and sustainable</p> <p><i>Objective 4O-2</i></p> <p>Landscape design contributes to the streetscape and amenity</p>	<p>N/A</p> <p>The building façade incorporates a mixture of materials.</p> <p>Building services are integrated into the building.</p> <p>The facades of the building incorporate a mixture of solid areas, glazing and vertical elements.</p> <p>The building entry is clearly defined.</p> <p>The apartment layout is expressed externally</p> <p>Satisfactory</p> <p>N/A</p> <p>Roof design maximises solar access to apartments during winter and provides shade during summer.</p> <p>Acceptable landscaped areas have been provided. Council's Landscape Officer has reviewed the proposal in respect of the type and nature of the planting and has provided a satisfactory referral subject to conditions of consent.</p> <p>Street trees are to be provided along the Belmore frontage and new footpath which will improve the amenity of the public domain.</p>

<i>Standard/control</i>	<i>Comment</i>
<p><u>4P Planting on structures</u></p> <p><i>Objective 4P-1</i></p> <p>Appropriate soil profiles are provided</p> <p><i>Objective 4P-2</i></p> <p>Plant growth is optimised with appropriate selection and maintenance</p> <p><i>Objective 4P-3</i></p> <p>Planting on structures contributes to the quality and amenity of communal and public open spaces</p> <p><u>4Q Universal design</u></p> <p><i>Objective 4Q-1</i></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members</p> <p><i>Objective 4Q-2</i></p> <p>A variety of apartments with adaptable designs are provided</p> <p><i>Objective 4Q-3</i></p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs</p> <p><u>4R Adaptive reuse</u></p> <p>N/A</p> <p><u>4S Mixed use</u></p> <p><i>Objective 4S-1</i></p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</p> <p><i>Objective 4S-2</i></p> <p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</p> <p><u>4T Awnings and signage</u></p> <p><i>Objective 4T-1</i></p> <p>Awnings are well located and complement and integrate with the building design</p> <p><i>Objective 4T-2</i></p> <p>Signage responds to the context and desired streetscape character</p> <p><u>4U Energy efficiency</u></p> <p><i>Objective 4U-1</i></p> <p>Development incorporates passive environmental design</p>	<p>The planting on structure is considered to be of a type and scale which provides amenity to residents of the building. Council's Landscape Officer has reviewed the proposal in respect of the type and nature of the planting and has provided conditions of consent.</p> <p>20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features</p> <p>Satisfactory</p> <p>Satisfactory</p> <p></p> <p>Satisfactory</p> <p></p> <p>Satisfactory</p> <p></p> <p>Satisfactory</p> <p>No signage is proposed.</p> <p>Satisfactory natural light is provided to habitable rooms.</p> <p>Suitable areas for clothes drying provided.</p>

<i>Standard/control</i>	<i>Comment</i>
<p><i>Objective 4U-2</i></p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</p>	<p>A BASIX Certificate has been provided which outlines mechanisms to achieve the minimum thermal comfort targets.</p> <p>Balconies are recessed providing shade to adjacent living spaces during hotter periods of the day.</p> <p>The layout of units provides satisfactory orientation to achieve solar access in cooler months.</p>
<p><i>Objective 4U-3</i></p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p>	<p>The development meets the minimum natural ventilation requirements.</p>
<p><u>4V Water management and conservation</u></p>	
<p><i>Objective 4V-1</i></p> <p>Potable water use is minimised</p>	<p>The development will comply with BASIX requirements with regard to water use.</p> <p>Runoff is collected for reuse in landscaped areas.</p>
<p><i>Objective 4V-2</i></p> <p>Urban stormwater is treated on site before being discharged to receiving waters</p>	<p>N/A</p>
<p><i>Objective 4V-3</i></p> <p>Flood management systems are integrated into site design</p>	<p>N/A</p>
<p><u>4W Waste management</u></p>	
<p><i>Objective 4W-1</i></p> <p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</p>	<p>Waste storage is within the basement.</p> <p>The waste storage area is of a suitable size to accommodate expected waste generation for the development.</p> <p>On-site collection is proposed and suitable manoeuvring areas, loading areas and ceiling heights are provided.</p>
<p><i>Objective 4W-2</i></p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling</p>	<ul style="list-style-type: none"> • Kitchens are considered large enough to accommodate waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling. • Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. • Alternative waste disposal methods such as composting are provided

<i>Standard/control</i>	<i>Comment</i>
<u>4X Building maintenance</u>	
<i>Objective 4X-1</i>	
Building design detail provides protection from weathering	Satisfactory
<i>Objective 4X-2</i>	
Systems and access enable ease of maintenance	Satisfactory
<i>Objective 4X-3</i>	
Material selection reduces ongoing maintenance costs	Satisfactory

ATTACHMENT 5 - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 COMPLIANCE TABLES

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as follows:

- The building achieves the minimum cross ventilation and solar access requirements.
- BASIX targets are met.
- A Site Waste Management and Minimisation Plan has been provided indicating appropriate management and disposal of any excavated materials.
- The proposal will not have an unreasonable impact on any heritage items or environmentally **sensitive** areas.
- The proposal is an efficient use of land in a location that is close to services and public open space.
- The landscaped areas are to be watered from rainwater harvesting.

CHAPTER D13 – WOLLONGONG CITY CENTRE

2 Building form

Objectives/controls

Comment

2.2 Building to street alignment and street setbacks

0m setback

Complies

2.3 Street frontage heights in commercial core

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

The street width (property boundary to property boundary) is ~21m and the proposed street frontage height is between approximately 17-23m.

The objectives of this control are

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

2.4 Building depth and bulk

900m² maximum floor plate

Complies

Maximum 18m building depth

Objectives/controls	Comment
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <p>Residential uses up to 12m in height</p> <ul style="list-style-type: none"> habitable rooms with openings and balconies: side 6m / rear 6m non-habitable rooms and habitable rooms without openings: side 3m / rear 4.5m <p>Residential uses between 12m & 24m</p> <ul style="list-style-type: none"> habitable rooms with openings and balconies: side 9m / rear 9m non-habitable rooms and habitable rooms without openings: side 4.5m / rear 4.5m <p>Residential uses above 24m</p> <ul style="list-style-type: none"> habitable rooms with openings and balconies and up to 45m (12 side / 12 rear) non-habitable rooms and habitable rooms without openings (6 side / 6 rear) <p>All residential uses above 45m</p> <p>14m side / 14m rear</p> <p><u>2.6 Mixed used buildings</u></p> <p>N/A</p> <p><u>2.7 Deep soil zone</u></p> <p>15% of site with minimum 6m dimension and clear of structures</p>	<p>A zero setback is proposed however this is consistent with the requirement that there be no separation up to street frontage height.</p> <p>A zero setback is proposed up to ~21m.</p> <p>Setbacks on level 5 from private open spaces are as little as 2.2m on the north elevation and 3.7m on the south elevation.</p> <p>On level 6 the setback to balcony edge is as close as 5m and 6.3m to habitable rooms on the north.</p> <p>On the south it is 5.7m to the balcony edge and 6.4m to habitable rooms.</p> <p>The habitable room has openings so could not rely on the lesser setback nor could the balconies, despite the inclusion of louvres.</p> <p>The setbacks up to 45m repeat the built form below of level 6 as noted above and do not comply.</p> <p>Levels 13 and 14 sit above 45m and have setbacks of between 4.7m and 8.7m.</p> <p>The variations here are discussed at chapter A1.</p> <p>Provided</p>

Objectives/controls	Comment
<p><u>2.8 Landscape design</u></p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> a) To ensure landscaping is integrated into the design of development. b) To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. c) To improve stormwater quality and control run-off. d) To improve the microclimate and solar performance within the development. e) To improve urban air quality and contribute to biodiversity. 	<p>Substantial landscaping is provided around the base of the building and on the podium and is considered to achieve the objectives of this control. This has been reviewed as being satisfactory by Council's Landscape Officer who.</p>
<p><u>2.9 Green roofs, green walls and planting on structures</u></p> <p>N/A</p>	
<p><u>2.10 Sun access planes</u></p> <p>N/A</p>	
<p><u>2.11 Development on classified roads</u></p> <p>N/A</p>	
<p>N/A</p>	

Objectives/controls	Comment
h) For large scale retail and commercial development with a GFA of over 5,000m ² , provide a 'safety by design' assessment in accordance with the CPTED principles.	N/A
i) Provide security access controls where appropriate.	Y
j) Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone, Mixed Use (city edge) and Enterprise Corridor zones.	N/A
<u>3.5 Awnings</u>	
N/A	
<u>3.6 Vehicular footpath crossings</u>	
• one vehicle access point only	Y
• double lane crossing permitted where circumstances need it	Y
• Doors to vehicle access points are to be roller shutters	Y
• 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.	Satisfactory
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	
N/A	
<u>3.8 Building exteriors</u>	
a) Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:	Satisfactory
i) Appropriate alignment and street frontage heights.	
ii) Setbacks above street frontage heights.	
iii) Appropriate materials and finishes selection.	
iv) Façade proportions including horizontal or vertical emphasis.	
v) The provision of enclosed corners at street intersections.	
b) Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.	Y
c) Articulate facades so that they address the street and add visual interest.	Y
d) External walls should be constructed of high quality and durable materials and finishes with 'selfcleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.	Y
e) Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.	Satisfactory
f) To assist articulation and visual interest, avoid expanses of any single material.	Satisfactory
g) Limit opaque or blank walls for ground floor uses to 30% of the street frontage.	Satisfactory

<i>Objectives/controls</i>	<i>Comment</i>
h) Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.	Satisfactory
i) Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Satisfactory
j) A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.	Provided.
k) Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as:	N/A
i) Expressed cornice lines that assist in enhancing the streetscape,	
ii) Projections such as entry canopies that add visual interest and amenity, and	
iii) Provided that the projections do not detract from significant views and vistas (see Figure 3.12).	
l) The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	Y
<u>3.9 Advertising and signage</u>	
N/A	
<u>3.10 Views and view corridors</u>	
a) Existing views shown in Figure 3.12 are to be protected to the extent that is practical in the planning and design of development.	The proposed development does not have regard potential adverse impacts on the view west towards St Michael's cathedral.
b) The redevelopment of sites with potential to open a blocked view shown in Figure 3.12 must take into account the restoration of that view.	
c) Align buildings to maximise view corridors between buildings.	
d) Remove or avoid installation of built elements that obstruct significant views.	
e) Carefully consider tree selection to provide views along streets in Figure 3.12 and keep under storey planting low where possible.	
f) Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.	

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>
<u>4.2 Pedestrian access and mobility</u>	
a) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Y
b) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, AS 2890 Pt 1, or as amended)	Y

<i>Objectives/controls</i>	<i>Comment</i>
and the Disability Discrimination Act 1992 (as amended).	
c) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Y
d) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.	Y
e) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours in accordance with Council's Public Domain Technical Manual.	Y
f) Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1:2001, AS/NZS 2890.1:2004 and the Disability Discrimination Act.	Y
<u>4.3 Vehicular driveways and manoeuvring areas</u>	
a) Driveways should be:	Satisfactory
i) Provided from lanes and secondary streets rather than the primary street, wherever practical.	
ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.	
iii) Located a minimum of 6 metres from the perpendicular of any intersection of any two roads.	
iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.	
b) Vehicle access is to be designed to:	Y
i) Minimise the impact on the street, site layout and the building façade design; and	
ii) If located off a primary street frontage, integrated into the building design.	
c) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	Y
d) Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a s138 Roads Act approval.	Y
e) Driveway widths must comply with the relevant Australian Standards.	Y
f) Car space dimensions must comply with the relevant Australian Standards.	Y
g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2990.1).	Y

<i>Objectives/controls</i>	<i>Comment</i>
h) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths and design must be in accordance with AS 2890.1.	Y
j) For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.	N/A
<u>4.4 On-site parking</u>	
a) On-site parking must meet the relevant Australian Standard (AS2890.1 2004 – Parking facilities, or as amended).	Complies
b) Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council.	Provided
c) Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.	Additional parking spaces have been included in GFA calculations.
d) Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.	N/A
e) On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP.	Y
a) On-site parking is to be accommodated underground, or otherwise integrated into the design of the building	Y
<u>4.5 Site facilities and services</u>	
<i>Mail boxes</i>	Complies
a) Provide letterboxes for residential building and/or commercial tenancies in one accessible location adjacent to the main entrance to the development.	
b) They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.	
c) Letterboxes shall be secure and large enough to accommodate articles such as newspapers.	
<i>Communication structures, air conditioners and service vents</i>	Satisfactory
a) Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:	
i) Away from the street frontage,	
ii) Integrated into the roof scape design and in a position where such facilities will not become a skyline feature at the top of any building, and	
iii) Adequately setback from the perimeter wall or roof edge of buildings.	
b) A master antennae must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas.	

<i>Objectives/controls</i>	<i>Comment</i>
<p><i>Waste (garbage) storage and collection</i></p> <p>General (all development)</p> <p>a) All development is to adequately accommodate waste handling and storage on-site. The size, location and handling procedures for all waste, including recyclables, is to be determined in accordance with Council waste policies and advice from relevant waste handling contractors.</p> <p>b) Access for waste collection and storage is preferred from rear lanes, side streets or rights of ways.</p> <p>c) Waste storage areas are to be designed to:</p> <p>i) Ensure adequate driveway access and manoeuvrability for any required service vehicles,</p> <p>ii) Located so as not to create any adverse noise impacts on the existing developments or sensitive noise receptors such as habitable rooms of residential developments, and</p> <p>iii) Screened from the public way and adjacent development that may overlook the area.</p> <p>d) The storage facility must be well lit, easily accessible on grade for movement of bins, free of obstructions that may restrict movement and servicing of bins or containers and designed to minimise noise impacts.</p>	Satisfactory
<p><i>Location requirements for Waste Storage Areas and Access</i></p> <p>a) Where waste volumes require a common collection, storage and handling area, this is to be located:</p> <p>i) For residential flat buildings, enclosed within a basement or enclosed carpark,</p> <p>ii) For multi-housing, at ground behind the main building setback and façade, or within a basement or enclosed carpark,</p> <p>iii) For commercial, retail and other development, on-site in basements or at ground within discrete service areas not visible from main street frontages.</p> <p>b) Where above ground garbage collection is prohibitive or impractical due to limited street frontage, or would create an unsafe environment, an on-site basement storage area must be provided.</p> <p>c) Where a mobile compaction vehicle is required to enter the site, the access and circulation area shall be designed to accommodate a vehicle with the following dimensions:</p>	Satisfactory
<p><i>Service docks and loading/unloading areas</i></p> <p>a) Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.</p> <p>b) Preferably locate service access off rear lanes, side streets or rights of way.</p> <p>c) Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.</p> <p>d) Design circulation and access in accordance with AS2890.1.</p>	Satisfactory

<i>Objectives/controls</i>	<i>Comment</i>
<p><i>Fire service and emergency vehicles</i></p> <p>a) For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements.</p> <p>b) Generally, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where:</p> <p>i) NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants; or</p> <p>ii) The site has an access driveway longer than 15m.</p> <p><i>Utility Services</i></p> <p>The provision of utility services and access for regular servicing and maintenance must be considered at the concept stage of site development.</p> <p>a) Development must ensure that adequate provision has been made for all essential services including water, sewerage, electricity and telecommunications and stormwater drainage to the satisfaction of all relevant authorities.</p> <p>b) The applicant must liaise with the relevant power authority with regard to the need for a conduit to be installed within the foot way area for the future provision of an underground power supply and extension of the conduit up to the wall of the existing or proposed building.</p> <p>c) The development must ensure that ready connection of the building(s) can be made in future when underground power is installed and the overhead connection is replaced with a connection to the underground line.</p> <p>d) The applicant must liaise with the power authority with regard to the retention, relocation, or removal of any existing power pole.</p>	<p>Satisfactory</p> <p>Satisfactory</p>

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>
<p><u>5.2 Energy efficiency and conservation</u></p> <p>New dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). Council encourages all applicants to go beyond minimum BASIX requirements incorporating passive solar design and energy efficiency measures for residential development.</p>	<p>Satisfactory</p>

Objectives/controls

Comment

5.3 Water conservation

New dwellings, including a residential component within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). Council encourages all residential development to go beyond the minimum BASIX requirements and enhance the water efficiency for their development.

Satisfactory

5.4 Reflectivity

a) New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.

The building does not have large glazed areas.

b) Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%.

c) Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.

5.5 Wind mitigation

a) To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.

The building is not of a height which requires the preparation of a wind impacts assessment.

b) To ensure that the moderate breezes are able to penetrate the streets of Wollongong city centre.

5.6 Waste and recycling

Provision must be made for the following waste generation:

a) In developments not exceeding six dwellings, individual waste storage facilities may be permitted.

A communal waste bin enclosure is provided in an accessible area within the basement with bins being 240L in size. These will be wheeled to the street for collection. This arrangement has been reviewed by Council Traffic Officer who has provided a satisfactory referral subject to conditions of consent.

b) In development of more than six units or dwellings, or where the topography or distance to the street collection point makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is;

i) Not visible from the street,

ii) Easily accessible to dwelling occupants,

iii) Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to the approved collection point),

iv) Has water and drainage facilities for cleaning and maintenance, and

v) Does not immediately adjoin private open space, windows or clothes drying areas.

c) Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient larger bins

6 Residential development standards

Objectives/controls

Comment

6.2 Housing choice and mix

To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:

- i) Studio and one bedroom units must not be less than 10% of the total mix of units within each development,
- ii) Three or more bedroom units must not be less than 10% of the total mix of units within each development, and
- iii) For smaller developments (less than six dwellings) achieve a mix appropriate to locality.

Studio/1 bed: 12/38 (31.5%)

Only two three bedroom units are provided which equates to 5% of the total. A variation request has been submitted in this regard however is not supported in this instance. Having three bedroom units provides greater flexibility in living arrangements. The location would be desirable for people with a larger family unit, or grandparents downsizing but wanting space to look after grandkids for example. It is in an accessible location and readily walkable to services.

It is recommended U13 and U18 on levels 2 and 4 be converted into 3 bed units.

This would maintain a compliant ratio of 1 bed units and would appear possible without having to amend elevations.

For residential apartment buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure visitability is achieved.

4/38 = 10.5%

Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.

Complies

The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).

Provided

Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.

Complies

For all residential apartment / flat buildings, 10% of all dwellings (or at least 1 dwelling) must be designed to achieve the Silver Standards of the Livable Housing Design Guideline (Livable Housing Australia 2015). All proposed livable dwellings must be clearly identified on the submitted DA plans.

Satisfied

Objectives/controls	Comment
<p>Ceiling heights of apartments must be selected to encourage the penetration of natural sunlight into all areas of the building. Provide the following minimum floor to ceiling heights, for residential zones, as required by the Residential Flat Design Code:</p> <p>i) 2.7m minimum for all habitable rooms on all floors;</p> <p><u>6.3 Dwelling houses</u></p> <p>N/A</p> <p><u>6.4 Multi dwelling housing</u></p> <p>N/A</p> <p><u>6.5 Dual occupancy</u></p> <p>N/A</p>	<p>Provided</p>
<p><u>6.6 Basement Carparks</u></p> <p>The scale and siting of the basement car park must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements.</p> <p>The roof of any basement podium, measured to the top of any solid wall located on the podium, must not be greater than 1.2m above natural or finished ground level, when measured at any point on the outside walls of the building. On sloping sites, a change in level in the basement must be provided to achieve this maximum 1.2m height.</p> <p>Generally variation to this 1.2m height will not be supported however Council recognises that there may be occasions where this standard cannot be achieved. Should such a circumstance arise, the additional portion of the basement podium above 1.2m height must be included in the total gross floor area calculation for the development.</p> <p>Landscaped terraces are provided in front of the basement podium to reduce the overall visual impact;</p> <p>The height of the basement does not result in the building having a bulk and scale which dominates the streetscape; and</p> <p>The main pedestrian entry to the building is identifiable and readily accessible from the street frontage.</p> <p>Any portion of the basement which exceeds 1.2m above natural or finished ground level (whichever distance is greater) must be setback from the property boundaries by a ratio 1:1 (height: setback). A minimum setback of 1.5m applies in this instance, with this area to be landscaped. For the purpose of determining the height of the basement, any solid walls located on the podium shall be included in the overall height calculation.</p>	<p>Satisfactory</p> <p>The podium is approximately 1.5m above natural ground level. This is required to achieve the necessary flood levels.</p> <p>The higher podium is considered acceptable in the circumstances. The podium is set back from the street and side boundaries and screened with landscaping.</p> <p>The LEP excludes parking required by Council from FSR calculations and it is not considered reasonable or necessary to include the podium as FSR in this instance.</p> <p>Complies</p> <p>Complies</p>

<i>Objectives/controls</i>	<i>Comment</i>
Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms and private open space areas. Ventilation grills must be integrated into the design of the façade of the building to minimise their visual impact.	Satisfactory
The visual impact of all basement walls must be minimised through the use of various design techniques including well proportioned ground level articulation and relief, mixed finishes and materials, terracing and/or dense landscaping.	Satisfactory
Basements must be protected from inundation from 100-year ARI flood levels (or greater).	Complies
<u>6.7 Communal open space</u>	
Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 5m ² per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5m.	Complies
he communal open space must be easily accessible and within a reasonable distance from apartments, be integrated with site landscaping, allow for casual social interaction and be capable of accommodating recreational activities	Satisfactory
Where a minimum of 15% of the site is provided as a deep soil zone, combined use of part of the deep soil zone as communal open space may occur. The combined communal open space/deep soil area may be grassed but must not contain significant shade trees. A maximum of 1/3 of the required communal open space area may be combined with the deep soil zone.	Satisfactory
Areas of the communal open space which are to be paved or which will contain shade structures, swimming pools or the like cannot be located within the deep soil zone.	Satisfactory
The communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.	Complies
<u>6.8 Private open space</u>	
The courtyard/terrace for the ground level dwellings must have a minimum area of 25m ² and a width of 2 metres. This area must be separated from boundaries by at least 1.5m with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas.	Complies
Private open space areas (courtyards) must not extend forward to the front building setback by greater than 900mm.	Complies
Private open space should be sited in a location which provides privacy, solar access, and pleasing outlook and has a limited impact on neighbours.	Complies
Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.	Complies
Clearly define private open space through use of planting, fencing or landscaping features.	Complies
Screen private open space where appropriate to ensure	Satisfactory

<i>Objectives/controls</i>	<i>Comment</i>
privacy.	
Provide balconies with operable screens or similar in locations where noise or high winds prohibit reasonable outdoor use (i.e. next to rail corridors, busy roads and tall towers)	Satisfactory
Avoid locating the primary balconies where they address side setbacks.	Complies
Balconies must have a minimum area of 12m ² open space a minimum depth of 2.4 metres.	Complies with minimum requirements under the ADG.
At least 70% of the POS areas shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.	Complies with minimum requirements under the ADG.
Balconies must be designed and positioned to ensure sufficient light can penetrate into the building at lower levels.	Complies
Individual balcony enclosures are not supported. Balcony enclosures must form part of an overall building façade design treatment and should not compromise the functionality of a balcony as a private open space area.	N/A
<u>6.9 Overshadowing</u>	
The design of the development must have regard to the existing and proposed level of sunlight which is received by living areas and private open space areas of adjacent dwellings. Sensitive design must aim to retain the maximum amount of sunlight for adjacent residents. Council will place greatest emphasis on the retention of sunlight within the lower density residential areas	Satisfactory
Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.	Satisfactory
In determining access to sunlight, overshadowing by fences, roof overhangs and changes in level must be taken into consideration. Overshadowing by vegetation should also be considered, where dense vegetation appears as a solid fence. Refer to Land and Environment Court Planning Principles – Parsonage vs Ku-Rin-Gai Council (2004).	Satisfactory
In areas undergoing change, the impact of overshadowing on development likely to be built on adjoining sites must be considered, in addition to the impacts on existing development.	The setbacks and bulk of the building are considered to provide suitable access to sun for future development on adjoining land.
<u>6.10 Solar access</u>	
Residential apartment buildings must aim to maximise their level of northern exposure to optimise the number of dwellings having a northern aspect. Where a northern aspect is available, the living spaces and balconies of such apartments must typically be orientated towards the north.	Satisfactory
The development must maximise the number of apartments with a dual orientation. Single aspect, single storey apartments should preferably have a northerly or easterly aspect and a reduced depth to allow for access of natural light to all habitable spaces.	Complies
Shading devices should be utilised where necessary, particularly where windows of habitable rooms are located on	Operable louvres are provided to the

<i>Objectives/controls</i>	<i>Comment</i>
the western elevation.	eastern and western elevations.
The living rooms and private open space of at least 70% of apartments should receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm.	Complies with ADG requirements.
The number of single aspect apartments with a southerly aspect (south-westerly to south-easterly) is limited to a maximum of 10% of the total number of apartments proposed.	N/A
Provide vertical shading to eastern and western windows. Shading can take the form of eaves, awnings, colonnades, balconies, pergolas, external louvres and planting.	Operable louvres are provided to the eastern and western elevations.
<u>6.11 Natural ventilation</u>	
Provide residential apartment buildings with a building depth of between 10 and 18m. The depth is measured across the shortest dimension of the building. Dwellings should be a maximum depth of 21m measured from the outside of the balcony.	Complies
A minimum of sixty percent (60%) of all residential apartments shall be naturally cross ventilated.	Complies
Twenty five percent (25%) of kitchens within a development must have access to natural ventilation. Where kitchens do not have direct access to a window, the back of the kitchen must be no more than 8m from a window.	Complies
Single aspect apartments must be limited in depth to 8m from a window.	Complies
<u>6.12 Visual privacy</u>	
New buildings should be sited and oriented to maximise visual privacy between buildings through compliance with minimum front, side and rear setback / building separation requirements.	Complies
The internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms and private balcony / open space courtyards, wherever possible by separating communal open space and public domain areas from windows of rooms, particularly sleeping room and living room areas.	Complies
Buildings are to be designed to increase privacy without compromising access to sunlight and natural ventilation through the following measures:	Complies
(a) Off-setting of windows in new buildings from windows in existing adjoining building(s).	
(b) Recessed balconies and / or vertical fin elements between adjoining balconies to improve visual privacy.	
(c) Provision of solid, semi-solid or dark tinted glazed balustrading to balconies.	
(d) Provision of louvers or screen panels to windows and / or balconies.	
(e) Provision of perimeter landscaped screen / deep soil planting.	
(f) Incorporating planter boxes onto apartment balconies to improve visual separation between apartments within the	

<i>Objectives/controls</i>	<i>Comment</i>
development and adjoining buildings. (g) Provision of pergolas or shading devices to limit overlooking of lower apartments or private open space courtyards / balconies.	
<u>6.13 Acoustic Privacy</u> Residential apartments should be arranged in a mixed use building, to minimise noise transition between apartments by: (a) Locating busy, noisy areas next to each other and quieter areas, next to other quieter areas (eg living rooms with living rooms and bedrooms with bedrooms); (b) Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas; and (c) Minimising the amount of party (shared) walls with other apartments.	Complies
Noise transmission from common corridors or outside the building is to be minimised by providing seals at entry doors.	Satisfactory

Objectives/controls	Comment
<p>In order to assist acoustic control of impact noise between units:</p> <p>(a) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates;</p> <p>(i) Habitable rooms of sole occupancy units</p> <p>(ii) A sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.</p> <p>(b) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, shall have an FSTC of not less than 55.</p> <p>(c) Walls between sole occupancy units shall comply with the impact sound resistance standards specified in the BCA.</p> <p>All residential buildings and serviced apartments are to be constructed so that the repeatable maximum L Aeq (1 hour) level not does exceed the following levels:</p> <p>(a) In a naturally ventilated - windows closed condition:</p> <p>(i) Sleeping areas (night time only: Hours - 2200-0700) - 35dB</p> <p>(ii) Living areas (24 hours) - 45dB</p> <p>(b) In a naturally ventilated - windows open condition, (ie, windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):</p> <p>(i) Sleeping areas (night time only: Hours - 2200-0700) - 45dB</p> <p>(ii) Living areas (24 hours) - 55dB</p> <p>(c) Where a naturally ventilated - windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.</p> <p>(d) The following repeatable maximum L Aeq (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating:</p> <p>(i) Sleeping areas (night time only: Hours - 2200-0700) - 38dB</p> <p>(ii) Living areas (24 hours) - 46dB</p> <p>Note: These levels correspond to the combined measured level of external sources and the ventilation system operating normally.</p>	<p>These requirements are covered in general construction requirements under the BCA.</p>
<p>6.14 Storage</p> <p>One bedroom apartments 3m² / 3m³</p> <p>Two bedroom apartments 4m² / 8m³</p> <p>Three or more bedroom apartments 5m² / 10m³</p>	<p>Complies</p>

7 Planning controls for special areas

The site is not located within a special area however the development does not have regard potential adverse impacts on the view west towards St Michael's cathedral. It is noted that the development controls in section 7.2.2 recommend the height of new developments immediately west of St Michael's not exceed the existing ridgeline of the cathedral (R.L 43.45 AHD). The proposal will exceed that level.

8 Works in the public domain

The proposal involves an upgrade to the footpath and new street trees in accordance with Council's Public Domain Technical Manual.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The development would be required to comply with the relevant provisions of the BCA and access to premises standards.

It is noted that the requisite number of accessible units are provided as well as the corresponding accessible parking spaces. Commercial and residential entries are level without obstruction and there is level access within the development. The communal open space incorporates a lift to the pool area.

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

Traffic impact assessment and public transport studies

A traffic impact assessment was not required for the proposal.

Parking demand and servicing requirements

	<i>Rate (RMS Guide)</i>	<i>Calculation</i>	<i>Required</i>	<i>Proposed</i>
<i>Car parking</i>				
Resident:	0.6 per 1 bed	16 x 0.6	9.6	
	0.9 per 2 bed	46 x 0.9	41.4	
	1.4 per 3 bed	4 x 1.4	5.6	
			56.6 (57)	??
Visitor:	0.2. per unit	0.2 x 66	13.2 (14)	14
Commercial	1/60m ²	775/60	12.9 (13)	13
TOTAL			84	97
<i>Bicycle parking</i>				
Resident:	1 / 3 dwellings			
Visitors:	1 / 12 dwellings			
TOTAL				
<i>Motorbike</i>	1 / 15 dwellings			

The proposal provides excess car parking.

The additional spaces have been added to the gross floor area calculations.

Vehicular access

Driveway grades and sight distances comply.

Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2.

Waste servicing will occur from the kerb.

Pedestrian access

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

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

The proposal is satisfactory with regard to the principles of CPTED in respect of the car park.

CHAPTER E6: LANDSCAPING

A landscape concept plan has been provided which was prepared by a Registered Landscape Architect or eligible for registration with the Australian Institute of Landscape Architects.

The proposed landscaping has been reviewed by Council's Landscape Officer and found to be satisfactory subject to conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided.

A communal waste storage room is provided in the basement.

Kerbside collection is proposed and the bins will not take up over 50% of the frontage.

There are 38 units within the development. The EPA “Better Practice Guide for Waste Management in Multi-Unit Dwellings” rule of thumb for multi-unit development is as follows:

- 80L/unit/week garbage
- 40L/unit/week recycling

The equates to 3,040L/week garbage and 2,660L recycling

The development provides a suitable waste storage area within the basement to accommodate the likely waste generated by the development.

CHAPTER E9 HOARDINGS AND CRANES

Conditions of consent are recommended in regard to use of any hoarding or crane.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E13 FLOODPLAIN MANAGEMENT

Council’s stormwater officer has reviewed the proposal in respect of the applicable controls in this chapter and has recommended conditions of consent.

CHAPTER E14 STORMWATER MANAGEMENT

Council’s stormwater officer has reviewed the proposal in respect of the applicable controls in this chapter and has recommended conditions of consent.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

A WSUD Treatment Measures Report has been provided which outlines the specifications and requirements for the storm water treatment device to be incorporated into the development.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The excavation proposed by the development is satisfactory with regard to this chapter.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions of consent are recommended in regard to demolition.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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



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8 November 2018

Attention: Nigel Lamb

Dear Nigel,

Response to Additional Information Request for DA-2018/973

Proposed Mixed Use Development at 28-32 Young Street and 29-31 Belmore Street, Wollongong

This correspondence is prepared on behalf of the applicant, ADM Architects, and responds to Council's correspondence of 23 October 2018 which requests the submission of additional information in respect of DA2018/973 for the construction of a 15 storey mixed use development at 28-32 Young Street and 29-31 Belmore Street, Wollongong. This correspondence also addresses a request for additional information pertaining to potential site contamination.

This correspondence is accompanied by the following revised plans and additional documentation:

- Revised Plans prepared by ADM Architects, Issue B;
- SEPP 65 Compliance Table prepared by ADM Architects Issue A, dated 5.11.18;
- Landscape Plan prepared by Ochre Landscape Architects (Ref: 1863-LD01, LD02A & LD-03A) dated 2.11.18;
- Correspondence regarding site geotechnical investigations prepared by STS GeoEnvironmnetal (Report No. 18/3287B) dated 30.10.18;
- Correspondence titled 'Cost and Time Implications of Basement Excavation' prepared by Newton Fisher Group dated 7.11.18;
- Further Update to Preliminary Site Investigation prepared by Fyfe dated 29.10.18;
- Contamination 'Council RFI Review' prepared by IEnvironmental (Revision No. 1.1) dated 2.11.18;
- Wind Assessment Report prepared by ANA Civil P/L (Ref: 2018-303) dated 1.11.18.

Table 1 below provides a summary of the key plan changes, in response to Council's issues:

Table1: Summary of Plan Changes

Plan	Changes
A-000 Titlesheet	<ul style="list-style-type: none">▪ 3d updated to reflect the changes mentioned below▪ Updated drawing schedule with new drawings as per below (i.e Level 13 plan has been separated and is its own individual plan pushing the plans below in that number series down one).
A-001 Site/development summary	<ul style="list-style-type: none">▪ Total number of units have changed from 66 to 63.▪ Parking numbers have been amended in accordance with new mix and yield. Calculations indicate the proposal requires 82 spaces but 91 are provided 91 (therefore 9 cars together with the access aisles have been included in the GFA calculations).▪ Visitor parking has been reduced to 13 spaces in line with yield reduction.▪ Total proposed GFA has remained at the maximum permissible GFA of 6503m².

Plan	Changes
	<ul style="list-style-type: none"> 10 adaptable spaces in line with 10 adaptable units (noting the minimum or 10% would be 7 units). Require 1 commercial adaptable space – 2 are provided. Waste bin calculation has changed due to the unit numbers reducing, with 43 residential bins now required/provided.
A-003-012 Contextual Image	<ul style="list-style-type: none"> Amendments reflect plan changes. Amended to reflect the concept plans of the adjoining building.
A-102 Lower Ground Floor Plan:	<ul style="list-style-type: none"> 1 visitor space has been removed in line with yield reduction and parking arrangement to the South side has been reconfigured. Security provisions have been annotated to be applied to the residential storage area such as the security gate, swipe card access, lighting to AS1158.1 and surveillance cameras.
A-103 Upper Ground Floor Plan:	<ul style="list-style-type: none"> Parking arrangement to the South side has been reconfigured.
A-104 Level 1 Floor Plan:	<ul style="list-style-type: none"> Parking arrangement to the South side has been reconfigured.
A-105 Level 2 Floor Plan	<ul style="list-style-type: none"> Parking spaces have been reduced from 21 to 18 spaces, 2 disabled spaces have been added and 1 space has been removed. Parking arrangement to the South side has been reconfigured.
A-106 Level 3 Floor Plan:	<ul style="list-style-type: none"> 1 parking space has been removed. Now providing 16 spaces. Parking arrangement to the South has been reconfigured.
A-107 Level 4 Floor Plan:	<ul style="list-style-type: none"> Parking spaces have been reduced from 21 to 19 spaces, 1 disabled space has been added and 1 space has been removed. Parking arrangement to the South has been reconfigured.
A-109 Level 6 Floor Plan:	<ul style="list-style-type: none"> U604 is now an accessible unit (as per DRP notes). Operable note has been added to the side windows of units 602 & 604.
A-110 Level 7,9 & 11	<ul style="list-style-type: none"> Operable note has been added to the side windows of units 02 & 04.
A-111 Level 8, 10 & 12	<ul style="list-style-type: none"> 04 unit is now accessible (as per DRP notes) Operable note has been added to the side windows of units 02 & 04.
A-112 Level 13 Floor Plan	<ul style="list-style-type: none"> The provision of 5 units (typical) have been removed to be replaced with the penthouse plan. Southern unit design amended (but maintained adaptable) in relocating living areas so to increase north aspect ratio of units above 70% (required after losing 3 units achieving the requirement).
A-113 Level 14 Floor Plan	<ul style="list-style-type: none"> U1401 as noted above has been amended to achieve sunlight access (required after losing 3 units previously achieving the requirement).
A-114 Roof Plan	<ul style="list-style-type: none"> Roof plan RL has been lowered from 66.750 to 65.750 (as a consequence of proportion changes).
A-115 Screening Details	<ul style="list-style-type: none"> Louvre larger scale detail has been added to this sheet as requested by DRP. Annotation added stating that the louvres are operable via manual winder.
A-201-206 Elevations & Sections	<ul style="list-style-type: none"> Level 13 & 14 amendments have been reflected on the elevations. Additional trees to the Young St elevation as per updated landscape plan.
A-302 Accessible plan:	<ul style="list-style-type: none"> The pre-adaptation plan has been deleted. Now an accessible unit only as recommended by the DRP (i.e universally accessible upfront – not after adaptation).
A-303-304 Pre & Post Adaptation Plan 2 of 3	<ul style="list-style-type: none"> Different unit type added as per amended 3 bed design
A-305-306 Pre & Post Adaptation Plan 3 of 3	<ul style="list-style-type: none"> Additional sheets have been added to the set to reflect plan changes as above.
A-403-406 solar access study	<ul style="list-style-type: none"> Amendments to reflect plan changes

1. Parking and Additional GFA

The proposal has surplus car parking spaces. The submitted documentation notes an excess of 12 spaces. This derives from calculations being rounded up for each of the 1, 2 and 3 bedroom totals. Only the cumulative total of resident parking should be rounded. This results in an excess of 13 spaces. The definition of GFA in the LEP excludes "car parking to meet any requirements of the consent authority (including access to that car parking)". By extension, if surplus car parking is proposed, access to that parking will be included as additional GFA. This is particularly relevant in this instance as all the car parking is located above ground (thereby adding to the bulk of the building). Further, the amount of excess parking would equate to a significant proportion of a parking level and would thereby include vehicular access that would otherwise not be there if the development was compliant with the car parking rate. If the surplus car parking and access is included in GFA calculations, the additional GFA would be approximately 337m² (2.4 x 5.4 (standard space dimension) x 13 (total surplus) x 2 (additional access to those spaces)). The proposed FSR therefore then exceeds the maximum permitted under the LEP.

Response:

The total number of units has now been reduced from 66 to 63, following a change in the unit mix at Level 13. Previously this level contained 5 units (2 x 1 bedroom and 3 x 2 bedroom) but now contains only 2 x 3 bedroom units. The revised parking calculations for the development are summarised in Table 2:

Table 2: Revised Parking Calculations

Car Parking Requirement		Rate	Required	Provided
Residential (RMS Guide)				
Residential Parking	14 x 1 bed units	0.6 spaces per unit	8.4	14
	43 x 2 bed units	0.9 spaces per unit	38.7	43
	6 x 3 bed units	1.4 spaces per unit	8.4	8
Total Residential			56 Spaces	65 (Surplus 9)
Visitors Parking	63 units	0.2 per unit	13	13
Commercial	775m ²	1 space per 60m ²	13	13
Total			69 spaces	78 spaces

Hence, when rounding only the cumulative resident total, as requested by Council, the development has a surplus of nine (9) resident visitor spaces. The development summary provided on Drawing A-001 (Issue B) confirms that the excess parking and the adjacent aisle has a GFA of 234m², which has been incorporated in the total GFA of 6503m². This remains compliant with the permitted FSR of 3.56:1, as demonstrated in Table 3 below:

Table 3: Floor Space Ratio Calculations

Site Area	1825 m ²		
	Commercial	Residential	Total
Proposed GFA	775 m ²	5728 m ² (including 9 excess parking spaces and aisle)	6503 m ²
PERCENTAGE	12%	88%	100%
Clause 4.4A Permissible MAX FSR	5.635: 1	3.281:1	3.56:1
TOTAL GFA	6503 m²		
TOTAL FSR	3.56:1		

2. Unit Mix

10% of the units are required to be three or more bedrooms. The proposal only provides 6%. The variation request is not considered to be well founded and is not supported.

Response

The reconfiguration of units at Level 13 has accommodated in the inclusion of an additional 2 x 3 bedroom units, thereby increasing the number of three bedroom units to six (6). The revised breakdown of units is as follows:

Table 4: Summary of Units

No. of Bedrooms	Number of Units	Percentage
1 bedroom	14	22.22%
2 bedroom	43	68.25%
3 bedroom	6	9.52%
Total	63	100%

The total number of three bedroom units now equates to 9.52% of units, increased from the 4 units (ie.6%) which were previously proposed. This figure is only marginally below the 10% specified within Section 6.2 of Chapter D13(Wollongong City Centre) of DCP 2009. The objective of this control is to:

"Ensure that residential development provides a mix of dwelling types and size to cater for a range of household types:"

This objective will clearly be met as, despite the exceptionally minor 0.48% variation, the development will continue to provide diversity in units, with a good mix of bedroom numbers and unit types (apartments and 'townhouse' style two level units). Further, the unit mix will accommodate future occupants, who are anticipated to comprise single, couples and smaller families. This is demonstrated by demographics for the Wollongong Statistical Area (ABS 2006 Census) which confirm that in this location there is an average of 1.6 children per family, reduced from the typical 1.8 - 1.9 children per family in surrounding statistical areas such as Figtree/Keiraville and Fairy Meadow/Balgownie.

On this basis, the provision of 6 x 3 bedroom units (being 9.52% of units) is considered to be appropriate and support for this exceptionally minor variation is therefore sought.

3. Podium Bulk and Scale

There remain concerns in respect of the podium height in regard to compatibility with potential future development on adjoining land and impacts on the streetscape.

The podium bulk arises in part due to the decision to locate all the car parking above ground.

The justification for locating all the parking above ground was that excavating for basement parking would prove cost prohibitive. The geotechnical report provides no analysis of this to justify this argument.

Insufficient analysis of the relationship of the proposed podium to potential future built form on adjoining land has been provided to justify the bulk of the podium.

Response:

Justification – Geotechnical Constraints:

The accompanying correspondence prepared by STS GeoEnvironmental provides more detailed information regarding the site difficulties posed by the subsurface materials on the site, which comprise high strength bedrock. In summary, this report confirms that the existing underground site material is not be expected to be rippable and would be extremely hard to remove with hydraulic rock hammers. Further, *"given the location of the site and its proximity to adjoining structures, the use of blasting materials is not considered appropriate"*. The correspondence confirms that conventional excavation methods will be feasible, however progress rates will be very low.

The accompanying correspondence prepared by Newton Fisher has considered the cost and time implications of basement excavation within this high strength bedrock and has confirmed the following:

- The original cost report for the development application, which confirmed a development cost of \$19,770,000 did not include any rock excavation elements (as no basement is proposed).
- The additional cost of non- rippable rock excavation is estimated at \$3,808,000 excluding GST, i.e. total excavated volume 10,880m³@ \$350/m³ including preliminaries and margin.
- In addition, there will be a cost implication due to a prolonged construction period, of an anticipated at \$750,000 minimum excluding GST including but not limited to interests, holding cost, finance charges, management and overheads, etc.
- The significant cost increase equates to approximately 23% of total development cost, while the construction period will be extended by 50%.

Newton Fisher therefore conclude that *"the project appears non-viable if the basement carpark option is proceeded, considering a significant increase on both direct and indirect construction costs plus construction*

programme." On this basis we request that Council support the provision of above ground parking on this geotechnically constrained site.

Built Form Analysis:

As noted in the submitted Statement of Environmental Effects the height, footprint and bulk of the podium is consistent with that of the podium approved by DA2016/1061, which remains current. A comparison of the approved and proposed podium is provided in the accompanying Contextual Streetscape and Aerial Perspectives prepared by ADM Architects, with the outline of the approved podium marked in red.

Further, we draw Council's attention to the fact that the lower levels of the building are sited on the boundary below street frontage height, in compliance with the requirements of Chapter D13 (Wollongong City Centre) of WDCP 2009. Specifically, such setbacks are compliant with the requirements of Clause 2.5 of Chapter D13 which specifies a requirement for zero side setbacks up to the street frontage height of 24m.

Since the date of approval of DA2016/1061 we understand that the only potential change to the streetscape is the proposed redevelopment of the adjacent sites to the north, noting that this development is at the early stages of planning, with no formal development application submitted. The accompanying Contextual Streetscape drawings prepared by ADM Architects have therefore been amended to reflect the 'Concept' plans of this proposed adjoining building. This analysis shows that the reduced podium height on the adjacent site to the north is partly a result of the slope of the land, which falls in a northern direction towards the adjacent site. Hence, it would be reasonable for any development on this adjacent site to the north to have a somewhat lesser podium level due to this grade. Whilst it is apparent that there is a variation in podium heights it is noted that the podium height on No. 28-32 Young Street allows for the incorporation of 'townhouse style apartments' addressing both Young and Belmore Street. Such apartments provide for a strong street presentation and allow for a high level of surveillance of adjacent streets.

Further, Council's attention is drawn to the fact that the approved podium provides a strong 'bookend' at the western termination of Market Street and the revised design, which retains the approved footprint will continue to provide this desired outcome. It is noted that the Design Review Panel, when considering the application at its meeting of 9 October 2018 supported the form of the building and noted that:

- *"The building is located between Young and Belmore Streets and is centred, axially on Market Street giving it significant presence at an urban scale and elevating its importance within a wider context for Wollongong."*
- *"The proposal now presents as a scale and density consistent with the desired future character of this precinct."*
- *"The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression. A competent and appropriate building aesthetic has been developed."*

Should Council have particular concerns regarding the relationship between the adjacent podiums, it is respectfully requested that modification occur to the design of the adjacent building to the north, which is in the early stages of planning and which has not been the subject of in excess of 2 years of detailed design works since the original development application was submitted and approved in 2016.

4. Building Separation

The proposal does not meet the requirements of clause 8.6(3) in respect of separation of residential components of the building from adjoining development. It is noted that a variation request has been sought in accordance with clause 4.6 of the LEP in this regard. However, the justification provided is not considered to be well founded.

The objective of clause 8.6 is to "ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access". As noted above, insufficient context analysis has been provided to demonstrate this built form will not prejudice future development on adjoining land.

It is noted that the streetscape analysis provided on page 73 and 104 of the Statement of Environmental Effects illustrates a potential built form on adjoining land that does not reflect the controls.

Response:

The accompanying Contextual Streetscape Drawings prepared by ADM Architects have now been amended to reflect the concept plans of the adjoining building. A revised Clause 4.6 Exceptions to Development Standards Report, which considers a compliant built form on the adjoining land to the north, is contained in Appendix 1.

5. Building Separation and Setbacks

The proposal does not comply with building separation and setback requirements. It is noted that a written variation request has been provided however the justification contained therein is not considered to sufficiently justify the requested variations.

Response:

With respect to building setbacks/separation the following provides a summary of the level of compliance:

- Commercial Levels LG to UG: Compliant with the required zero setbacks specified in Chapter D13 (Wollongong City Centre) of WDCP 2009;
- Residential Levels 1-4: Compliant with the zero setback up to street frontage height specified in Chapter D13 (Wollongong City Centre) of WDCP 2009;
- Level 5: Wall setbacks are compliant with the 4.5m non-habitable setbacks criteria of the ADG (being below 25m). The only windows facing side boundaries at this level are those in the northern and southern elevations of U502 and U503, with screens now sited on the balconies adjacent to such windows to prevent overlooking (refer Drawing A-108).

Whilst the balconies of Units 501, 502, 503 and 504 are not compliant with the 9m setback for balconies it is noted that such balconies are sited on the roofspace of the level below, which is required to provide a zero side setback, as it is below the street frontage height. Perimeter landscaping is provided to terraces and the communal open space area to create non trafficable areas and minimise overlooking from such spaces.

- Levels 6-14: The walls comply with the 6m non-habitable setback standard, with setbacks further increasing at Levels 13 and 14. The balconies are also principally compliant, with the only variation being to the balcony splays, which have reduced setbacks generally of 5.82m (for Levels 6-12) and 4.66m (at Level 13) to the northern boundary and 5.69m to the southern boundary. Louvres are provided on the balconies, which allow for application of a 6m setback to non-habitable spaces. It is noted that the balcony splays only marginally reduce the level of compliance with the required 6m non-habitable setback. All balcony splays, with the exception of the Unit 13 balcony are setback from the boundary by in excess of 5.69m, which is only 301mm less than the required 6m. It is noted that this variation occurs at only the point of each balcony, in a position which does not form part the principle useable area of the balcony.

- The Design Review Panel (DRP) supported such balcony design and placement, subject to detailed design of louvres, noting the following:

"On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved. To ensure that this design intent is realised and compliance with the requirements of the ADG met, the applicant is required to provide dimension and angles of blades and openings, to be submitted."

6. Tower Bulk

The building is considered to be of significant bulk. Careful consideration is considered necessary in this instance given the building provides a bookend to Market Street. It is noted that the removal of the splays on the balconies would narrow building by 1.4-1.6m.

Response:

Whilst Council notes that the balcony splays increase the width of the buildings by 1.4m -1.6m it is noted that the balcony splays only marginally reduce the level of compliance with the required 6m non-habitable setback. It is further noted that the balcony splays add visual interest to the architectural design of the building and prevent the tower from having the appearance of a regular shaped 'box', which would be inappropriate at the western terminus of Market Street. Further, the form of the tower was supported by the DRP at its meeting of 9 October 2018, which is evident in the following commentary from the panel:

"The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression."

"A competent and appropriate building aesthetic has been developed."

7. Wind Impacts

The Wind Effects Report submitted with the application is for the previous scheme approved on the site. A report that has been undertaken on the current plans will be required.

Response

The accompanying Wind Assessment Report prepared by ANA Civil P/L concludes the following:

"NA Civil P/L has investigated and calculated the annual gust speed at critical sections of the proposed development at No. 28-32 Young St, Wollongong in accordance with AS 1170.2 (Wind Actions). As per Section 3.3 of this report the maximum annual gust wind speeds in walk ways, open spaces, public & private courtyards complies with AS 1170.2 (Wind Actions) and Wollongong City Council's DCP 2009 Chapter D13 Section 5.5.

We have also reviewed the wind tunnelling assessment conducted by Windtech Consultants Pty Ltd in July 2016 using the superseded architectural plans and compared the relevant recommendations with the latest architectural plans by ADM Architects-Issue A dated August 2018, and can confirm compliance with this."

8. Apartment Size and Layout

Bathrooms and bedrooms are accessed directly off kitchen / living / dining areas contrary to objective 4D3 of SEPP 65.

Response

Whilst a number of apartments contain bedrooms accessed directly off a living/kitchen area, this arrangement provides of the most functional use of apartment space. It is acknowledged that the Apartment Design Guide encourages access to bedrooms, bathrooms and laundries to be separated from living area,

however it is noted that this is provided as design guidance only, with the recommendation that direct access to bedrooms from living spaces be 'minimised'. It is noted that many of the proposed apartments contain short corridors, which permit separation of access to bedrooms. Where this is not provided, Council's attention is drawn to the fact that the design of all apartments has been the subject of a detailed and extended design process, which has resulted in functional and desirable apartments layouts, where overall resident comfort and amenity will not be compromised by direct access to bedrooms from living spaces.

Further, it is noted that the DRP at its meeting of 9 October confirmed that "*Apartments are generally designed in a functional manner to provide a reasonable level of amenity to future occupants.*"

9. Safety and Security

The communal storage area is not considered to be ideal as there is poor surveillance of the space and it results in entrapment opportunities.

Response:

Drawing A-102 (issues B) prepared by ADM Architects now contains details of security provisions which have been applied to the residential storage area such as the security gate, swipe card access, lighting to AS1158.1 and surveillance cameras. Such measures will provide an appropriate level of surveillance of this area and acceptable security levels.

10. Landscaping

The driveway crossing does not quite match the CCPDTM requirements; please modify the plan to match the layout indicated in Section 3.2.

It is noted that the water main is located behind the kerb and gutter on Young Street, the construction of the link channels above the water main can include horizontal root barrier to protect the main. The species are to be Syzigium paniculatum. Please include two more trees, one midway, one at closer to the southern boundary.

The roof terrace with the swimming pool appears not to have a structure that will act as a southerly wind break, nor are there any shade structures in the outdoor area. Please allow for a cabana, or outdoor shelter/room in this space.

Response:

The accompanying Landscape Plan prepared by Ochre now incorporates:

- Level 2: Changes to the Level 2 communal open space to address the issues raised by the design review Panel;
- Lower GL: Amended driveway finish (layback) and street tree species nomination;
- Upper GL: additional street trees and street tree species nomination being two additional street trees (*Syzigium paniculatum*) to the Young Street frontage.
- Level 6 Plan: An extended roof covering over the pool deck space and a shade structure which extends over the space area at Level 5.

11. Natural Ventilation

Please confirm whether the northern and southern windows on corner units are operable. This would seem be necessary in order for those units to be nominated as cross ventilated.

Response

The amended architectural plans now confirm that the louvres on the northern and southern windows of the corner units will be operable.

12. Contamination

A review of all documentation with regards to SEPP 55 has been undertaken and it remains unclear how previous soil sampling and analysis recommended in the Preliminary Site Investigation (PSI) dated 13 April 2016 is no longer required in subsequent update letters prepared by Fyfe Consultants dated 24 July 2018 and 28 August 2018. As such, clarification of the need for further soil sampling and analysis, as outlined in the recommendations of the PSI dated 13 April 2016, and the need for any subsequent Detailed Site Investigation (DSI) is to be submitted to Council for assessment.

Response

The accompanying correspondence from Fyfe confirms that a detailed Site Investigation is not required for the following reasons:

"Fyfe had examined and considered in the 2016 PSI that the risk factors that would trigger the need for a DSI were not present (due to the absence of contaminating activities or facilities on the site, the absence of any apparent fill material and the absence of any potentially contaminating activities having occurred on neighbouring properties). Fyfe confirms in this letter of October 2018 that a DSI is not required at the site. This recommendation is consistent with SEPP 55 and the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended), where a DSI or management may be required if the PSI identifies data gaps.

The sampling and analysis recommended in the 2016 PSI would be for the purpose of soil classification for off-site disposal, and this is not an outcome of a DSI, hence a DSI would be inappropriate at the site.

Furthermore, the recommendation to sample after the removal of the existing site structures is consistent with professional assessment practices and accommodates the known need for an asbestos removal program. Sampling prior to asbestos removal works would be superfluous.

Fyfe clarified in our letter of 28 August 2018 that the sampling and analysis recommendations should be incorporated into the Construction Environment Management Plan to be established for the demolition and construction works."

It must also be clarified in the response that all reports relied upon with regards to SEPP 55 have been prepared by a suitably qualified and experienced consultant who is certified under the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environment It must also be clarified in the response that all reports relied upon with regards to SEPP 55 have been prepared by a suitably qualified and experienced consultant who is certified under the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)) or the Soil Science Australia (SSA) al Practitioner (Site Contamination) scheme (CEnvP (SC)) or the Soil Science Australia (SSA).

Response:

Fyfe has provided all reports which have been relied upon to Michael Nicholls of iEnvironmental, who is certified under the CEnvP (SC) scheme. The accompanying peer review confirms the following:

"A DSI and/or a remediation action plan would only be triggered if significant ground contamination is encountered during insitu waste classification sampling. There is no requirement to undertake a DSI or remediation / RAP based on the environmental and geotechnical information reviewed. The insitu waste classification should be undertaken prior to construction. An asbestos management plan should be part of the construction processes for safe management of asbestos materials."

We trust that the above information addresses the relevant items raised by Council and look forward to Council progressing the application.

We also request that Council not re-advertise the application noting that the changes which are proposed will have no impact on adjoining property owners.

Please do not hesitate to contact the applicant in the first instance, or the undersigned if further clarification is sought.

Yours Faithfully,

A handwritten signature in black ink, reading "Elaine Treglown", followed by a horizontal line.

Elaine Treglown
Director
TCG Planning

Attachment 1: Clause 4.6 – Exceptions to Development Standards Report (Building Separation)

Appendix 1

Revised Clause 4.6 'Exception to Development Standards' Statement:

Clause 8.6 Building Separation

8 November 2018

1.0 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 report is therefore provided in order to justify why a variation is required 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:

2.0 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 B3 Commercial Core zone of WLEP 2009.

3.0 Discussion of Compliance with Clause 8.6 of WLEP 2009

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

Table 1: Compliance with Clause 8.6 of WLEP 2009

Level	Functions	Height	Relevant Clause	Separation Required	Separation Provided	Compliance
Levels LG-UG	Commercial	Below street frontage height	8.6(2)(a)	Nil	Nil	Complies
Levels 1-4	Residential	Below street frontage height	8.6(3)	16m to any other building	Nil	Variation sought
Levels 5-13	Residential	Above street frontage height and below 45m	8.6(2)(b)	20m to any other dwelling	No adjacent interface to existing buildings to north and south. Refer discussion below regarding relationship to 'concept' development on site to the north (20-26 Young St).	
Level 14	Residential	Above and 45m	8.6(2)(c)	28m to any other building	No adjacent interface to existing buildings to north and south. Refer discussion below regarding relationship to concept development on site to the north (20-26 Young St).	

The proposed fifteen (15) storey building contains commercial functions at the Lower Ground and Upper Ground Levels and residential apartments at Levels 1 through to 14. **The Lower Ground and Upper Ground Levels of the building comply with the provisions of clause 8.6(2)(a)** as this clause requires nil separation between buildings up to street frontage height.

Subclause (3) applies to the residential functions at Levels 1 to 13, whilst subclause (2)(c) applies to Level 14, as it is fully above the 45m height line.

The following discussion therefore considers whether the following separation distances are met:

- A 16-20m separation for the residential apartments located at levels 1-13 [subclause (3)].
- A 28m separation distance for level 14 [subclause 2(c)];

The subject site has a primary frontage to Belmore Street to the east and secondary frontage to Young Street to the 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.

Separation Distances to Existing Adjacent Buildings to the North

The allotment further to the north of the subject site identified as No. 24 Young Street, is currently vacant. A previous DA for the site was approved for demolition of existing buildings and the construction of an 8 storey commercial building with 3 levels of basement parking (DA-2007/1094), however, the approval was issued on 4 September 2008, and therefore it is unlikely to be current. A more current development application approval was issued for the site (DA-2012/1308 approved 17 March 2014) for construction of a four (4) storey commercial building, which was not constructed at the time of writing this report. Given

the site is currently vacant and there is a possibility that either building may never be constructed, these approvals are considered to be irrelevant to the provisions of this clause in relation to the proposed development.

The property directly to the north of the subject site identified as No.26 Young Street and also the property further to the north being No.24 Young Street, Wollongong, are both located within 20 metres of the subject building. At No.26 Young Street directly adjoining the site to the north, is a single storey commercial/light industrial building (car wash facility) which does not contain any dwellings. The provisions of subclause 3(a) therefore do not apply in this instance, however, subclauses 2(b), 2(c) and 3(b) do apply.

Therefore, in accordance with that subclause, all habitable parts of the residential dwellings at Level 1 through to Level 13 of the proposed development including any balcony, must not be less than 16 metres from this adjacent building to the north [subclause 3(b)] and Level 14 must be at least 28m from any other building [subclause 2(c)]. A Clause 4.6 Exceptions to Development Standards Report which seeks variation to this standard is contained in **Section 4** below.

Separation Distances to Existing Adjacent Buildings to the South

The property directly to the south of the subject site identified as No.36-40 Young Street, Wollongong contains two separate (albeit with zero setbacks) buildings. It is noted that there is a current approval (dated 18 February 2015) for strata subdivision of this site into two commercial allotments (according to Council's online DA Register). The building on the southern-most boundary of No.36-40 is a five storey commercial building (Illawarra Credit Union), however, this building is located more than 20 metres from the property boundary of the subject site, therefore is not relevant in this instance. The second building which is directly adjacent to the subject site on its southern boundary and does fall within the 12 to 20 metres of the proposed building, is a two storey commercial building extending almost the full width of the site, which does not contain any dwellings.

Therefore, in accordance with these subclauses, all habitable parts of the residential dwellings at Levels 1 through to 13 of the proposed development including any balcony, must not be less than 16 metres from this adjacent building to the south [subclause 3(b)] and Level 14 must be at least 28m from any other building [subclause 2(c)]. A Clause 4.6 Exceptions to Development Standards Report which seeks variation to this standard is contained in **Section 4** below.

Separation to Future Buildings on Adjacent Site to North (No. 20-26 Young St)

Clause 8.6 of WLEP 2009 only requires consideration of building separation to existing buildings and does not require consideration of separation to potential future buildings. Irrespective of this, for the purpose of a comprehensive assessment of the impact of the reduced separation distances, consideration has been given to the separation to the proposed development at No. 20-26 young Street to the immediate north. It is noted that a 'concept' plan has been prepared for this site, however this prospective development has not been the subject of a formal application to Council.

Separation to Other Buildings on Adjoining Sites

Other developments in the vicinity which are not located within the specified relevant distances due to the separation provided by road reservations are:

- Diagonally opposite the subject site on the corner of Market and Young Street (No.89 Market Street Wollongong) is a four (4) storey commercial building.
- Directly to the west of the site on the opposite side of Belmore Street are older low density residential housing stock in the form of single dwellings.
- A large shop top housing development (PeopleCare) is located further to the north of the site at the intersection Belmore and Victoria Streets (Nos 3-15 Belmore and 2-12 Young Street).
- It is noted that a two storey shop top housing building located at No.26 Belmore Street, directly opposite the site. This building, due to its zero front building setback is approximately 20 metres from the subject site's western property boundary, however, given the tower of the proposed development is 19.19m from this property boundary, the provisions of subclauses (2) and (3) are met with respect to this building. Therefore, the development complies with this clause.

4.0 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 2 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 to existing buildings:

- Residential dwellings at Level 1 through to Level 13 of the proposed development, which do not meet the required 16 metres from the adjacent commercial buildings to the north and south [subclause 3(b)];
- Residential dwellings at Level 14 of the proposed development which does not meet the required 28m from the adjacent commercial buildings to the north and south [subclause 2(c)].

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 2: 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
(1) Objectives a) to provide an appropriate degree of flexibility in applying certain development	Flexibility is sought for the application of the building separation requirements to the north and south for the residential levels of the building (levels 1-14) so that a better outcome is achieved for the site. The particular circumstances for this are as follows: North:	Justified

Table 2: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone

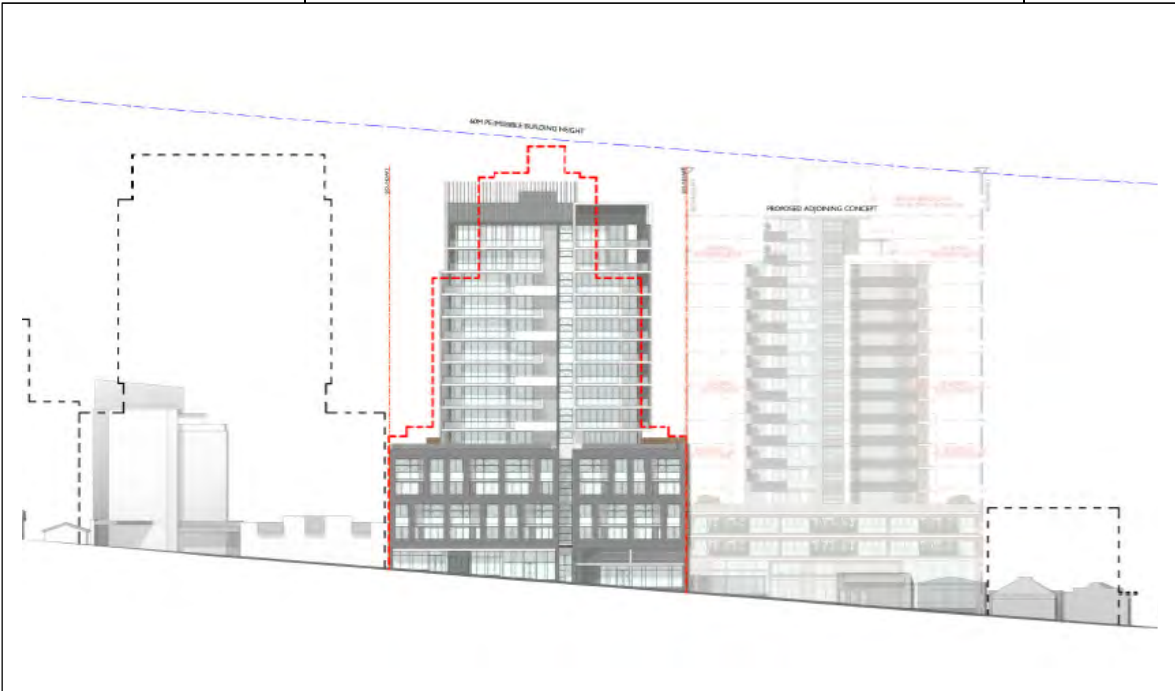
Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<p><i>standards to particular development, and b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances..</i></p>	<ul style="list-style-type: none"> At No.26 Young Street directly adjoining the site to the north, is a single storey commercial/light industrial building (car wash facility). Whilst a previous DA for an eight storey building was approved for No. 24 Young Street (DA-2007/1094), this approval appears to have lapsed. Hence, there are no existing or approved buildings for the sites to the north for buildings of above 1 storey. Therefore, there is no direct interface between the adjacent development to the north and any of the residential levels of the building. The only interface is limited to the Lower Ground/Upper Ground commercial levels of the building, which are sited on the side boundary, as required by clause 8.6. Currently compliance with the building separation requirements of clause 8.6 is therefore achieved to the north. However, consideration has been given to the potential compliance with the building separation requirements in the event that the adjacent site to the north is developed, noting that a 'Concept' Plan has been prepared and has been the subject of early discussions with Council. The extract of the revised Contextual Streetscapes (Young Street Aspect) prepared by ADM Architects as reproduced in Figure 1 below shows the outline of the 'concept' buildings on the sites to the north. 	
	<p>Figure 1: Contextual Streetscape</p> 	<ul style="list-style-type: none"> Figure 1 confirms that, whilst compliance with the required 20m separation will not be achieved, compliance with the requirements of the ADG will be achieved to the walls and the principle balcony areas (excluding angles) at <u>Level 6-12</u> of the building (refer to larger scale diagram in architectural package for dimensions). The standards contained in the ADG are considered to be the more appropriate guiding standards which should be adhered to, noting that the

Table 2: 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>provisions of clause 8.6 of WLEP 2009 conflict with such standards. Further, at Levels 6-12 of the building the minimisation of windows and the provision of louvres to balconies ensures that the objectives of the controls are met with respect to privacy and overlooking.</p> <ul style="list-style-type: none"> ▪ <u>At Level LG to 4</u> the proposed building at No. 28 Young Street is sited on the boundary, providing a zero setback. This is an appropriate streetscape outcome which provides a continuous building form at street level and which meets the provisions of clause 2.5 of Chapter D13 (Wollongong City Centre) of WDCP 2009. This clause requires nil setbacks for both commercial and residential uses up to the street frontage height in the commercial core zone. The 'concept' building to the north also contains a zero setback at the first three levels, with a 9m setback at the upper levels. There will be no overlooking impacts given the interface of the 'concept' building with the zero boundary setback of the proposed building at No. 28 Young Street. ▪ At <u>Level 5</u> reduced setbacks are provided to the communal open space and balconies. However, this level is located on the roofspace of Level 4 which meets the nil separation requirement of clause 8.6(2)(a). Further, this level provides extensive landscaping which will create non trafficable areas and a high level of screening to address privacy concerns. ▪ Above 45m in height (<u>Levels 13 and 14</u>) a 20.44m separation will be provided between walls (12m for the concept proposal and 8.44m for No. 28), however the walls of the proposed development at No. 28 Young Street do not contain any openings, protecting privacy. Whilst lesser separation is provided between balconies and particularly the angled corners, such balconies are provided with louvres to address privacy. Angling of balconies also provide visual interest. <p>South:</p> <ul style="list-style-type: none"> ▪ To the south of the proposed building is a five storey commercial building (Illawarra Credit Union) at No.36-40 Young Street, however, this building is located more than 20 metres from the property boundary of the subject site, therefore is not relevant in this instance. The second building which is directly adjacent to the subject site on its southern boundary and does fall within the 12 to 20 metres of the proposed building, is a two storey commercial building extending almost the full width of the site, which does not contain any dwellings. ▪ The only interface with this building is at the Upper Ground (commercial) level at Young Street and at Level 1, which contains residential units. The commercial level complies with the provisions of clause 8.6 as there is nil separation with adjacent buildings at this level which is below street frontage height. Whilst Level 1 is also below street frontage height, this level is required to adhere to a 16m separation distance as the proposed development contains a dwelling (noting that the adjacent building does not). ▪ Variation to the 16m separation control of clause 8.6 is considered warranted as the provisions of zero setbacks on the southern (and northern) boundary provides a strong base to the building and a continuous street form in this inner city location, as intended by the provisions of Chapter D13 of WDCP 13. Further, the residential units at Level 1 (and Levels 2-4) do not contain any windows on the southern (or northern) boundaries but entirely face the street, thereby addressing potential privacy and amenity issues. 	

Table 2: 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>The building has been sited towards the Young Street frontage to provide a strong street address at the western termination of Young Street. Narrowing of the building form (and extension of the tower in a western direction) would not provide an appropriate, nor desirable built form outcome and would not achieve the 'monumental' building as requested by the Design Review Panel.</p> <p>The Design Review Panel has supported the positioning of the building having regard to both spatial separation and privacy objectives and has advised of the following at its meeting of 9 October 2018:</p> <ul style="list-style-type: none"> ▪ "On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved." ▪ "The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression." ▪ "A competent and appropriate building aesthetic has been developed." <p>Hence, it is considered that the objective of this clause is addressed.</p>	
(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.	This subclause is not relevant to the subject proposal.	N/A
(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 justify the contravention of the development standard by demonstrating:	This table comprises the written request seeking to justify the contravention of the building separation development standard.	Provided

Table 2: 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>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p>	<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> This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied). 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> This is not applicable as the objective of the Development Standard is relevant to the development (and has been satisfied).</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> 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>The zoning of the land is unreasonable or inappropriate. 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>Overall: Compliance with the applicable building separation distances are considered to be unreasonable and unnecessary in the circumstances of the case as the consolidation of all allotments on the site provide the opportunity for an alternative (and satisfactory) site planning and built form outcome to that anticipated by the formal planning controls (as demonstrated below).</p> <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 only 9m for non-habitable rooms (ie. 4.5m on each adjoining development site) for up to 25m and 12 (ie. 6 m per site) for over</p>	<p>Justified</p>

Table 2: 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>25m. The building achieves the non-habitable separation standards which are considered to be appropriate given the orientation of residences to Belmore and Young street and the strategic placement of louvres windows and balconies to prevent overlooking of adjacent buildings to the north and south.</p> <p>It is therefore justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</p>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<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 particular to the development 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, based on the following:</p> <ol style="list-style-type: none"> The placement of the building provides a suitable tower width for this site at the western termination of Market Street; The lower levels of the building provide a strong base to the building, with nil setbacks to provide a continuous street form as required by Chapter D13 of Wollongong City Center; There is no immediate interface at the majority of levels within the building due to the 1-2 storey nature of <u>existing</u> adjacent developments to the north and south; The separation distances which are proposed are generally consistent with that approved pursuant to DA 2016/1061, with only minor reduction at the upper levels as the proposed building does not incorporate additional and 'stepping' at the top two levels of the building, as this would not result in a desirable tower form. However, it is noted that at the upper levels there is no direct interface with any <u>existing</u> adjacent building. <p>If the minimum building separation distances were achieved on this site, the resultant building footprint, particularly for the tower element, would be narrow and would not achieve the orderly and economic development of land. Further, the JRPP in its favorable determination of DA 2016/1061 (which remains valid) has endorsed the general positioning of the building on the site, which indicates that the objectives of the standard can be met and the necessity for adherence to the controls is outweighed by the desired built form outcomes.</p> <p>In addition, as demonstrated in this 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 (refer Section 5 & 6); Other provisions of the WLEP 2009 (refer Section 7); The relevant Chapters of WDCP 2009 (refer Section 8); Section 4.15 of the Environmental Planning and Assessment Act 1979 (refer Section 9). <p>The reduced separation distances continue to adhere to the non-habitable design criteria of the ADG which have been specifically prepared to ensure that new development provides visual and acoustic privacy for existing and new residents; controls overshadowing of adjacent properties; and provides appropriate massing and spaces between buildings.</p>	Justified
(4) Consent must not be granted for development that		

Table 2: 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>contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p>		
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>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 floor space ratio requirements.</p>	<p>Satisfied</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><u>Wollongong LEP 2009:</u></p> <p><u>Objectives of the Standard (Clause 8.6)</u></p> <p>"to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access".</p> <p><u>Objectives of the Zones</u></p> <ul style="list-style-type: none"> ▪ 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. 	<p>Despite the exceedence of the allowable 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: Provides a suitable built form to the consolidated block site by maintaining the continuous built form which is sought along Young and Belmore Streets and transferring the majority of the floor area to the tower element which is focused on the Young Street frontage, being the primary commercial frontage. ▪ Solar Access and Privacy: The orientation of dwellings and the separation distances proposed will continue to provide privacy for existing tenants of the (currently commercial) adjacent properties, and for new residents of the proposed building (and future buildings on adjacent sites). It will not impact on overshadowing as depicted within the Shadow Analysis; and will continue to provide acceptable spatial separation between buildings. <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 both the B3 Commercial Core zone as it will:</p> <ul style="list-style-type: none"> ▪ Provide ground floor retail/commercial uses to meet the needs residents and visitors to the locality, and provide employment opportunities for the tenants and employees of these tenancies; ▪ Provides retail/commercial uses in close proximity to the existing transport infrastructure (bus, rail, cycling); ▪ Provides a suitable built form and land use development for at a highly accessible location to the amenities and facilities of the Wollongong city centre; ▪ provide a range of apartment types in immediate/very close proximity to the commercial centre and public transport. <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>(b) encourage economic and business development to increase employment opportunities,</p> <p>(c) encourage a range of housing choices consistent with the capacity of the land,</p> <p>(f) conserve and enhance heritage,</p> <p>(g) ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure.</p>	<p>Justified</p>
<p>(c) the concurrence of the Director-General has been obtained.</p>	<p>Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be</p>	<p>Addressed</p>

Table 2: 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
	assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	
<i>(5) In deciding whether to grant concurrence, the Director-General must consider:</i>		
<i>(a) 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>(b) the public benefit of maintaining the development standard, and</i>	<p>The development is located on a large consolidated site at the western termination of Market Street. The profile of this site lends itself to ensuring the development which occurs is consistent with the Vision for the City Centre. The subject development, while varying the separation distances required by clause 8.6 of WLEP 2009, will not result in any increase in any unreasonable impacts on nearby properties (all commercial/non-residential), particularly having regard to its level of compliance with the separation distances of the ADG and setback requirements of WDCP 2009.</p> <p>There will be no measurable public benefit by adhering to the separation distance requirements of Clause 8.6, particularly as they place a more onerous, and arguably excessive, separation requirement on the development.</p> <p>Hence, the proposed development will not raise any matter of state or regional planning significance.</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

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 basis of desired built form outcomes, the need for a continuous street alignment, the lack of interface with existing adjacent buildings, the ability to develop adjacent sites with adherence to separation distances, general consistency with separation distances of the previous approved development on the site (DA 2016/1061), acceptable spatial separation to the 'concept' proposal on the adjacent site to the north and achievement of environmental planning outcomes. 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. The proposed development is consistent with Council's vision for the Wollongong City Centre and adheres to the three dimensional building envelope controls established by WLEP 2009 (height/FSR) and the Residential Flat Design Code (non-habitable separation distances). On this basis, strict compliance with the FSR and building separation controls of WLEP 2009 is considered unnecessary.

PRE-LODGEEMENT NOTES – PL-2018/88

17-May-2018

Property:	28 Young Street, WOLLONGONG NSW 2500, 29-31 Belmore Street, WOLLONGONG NSW 2500 Lot B DP 358466, Lot A DP 358466	
Proposal:	Mixed use building	
Attendees:	<i>Council:</i>	Pier Panozzo - City Centre + Major Development Manager Nigel Lamb – Development Project Officer Felicity Skoberne – Landscape Officer Nathan McBriarty - Senior Land Development Engineer
	<i>Proponent:</i>	Nadine Page Angelo Di Martino Elaine Treglown John Issa

SUMMARY / KEY CONCERNS

- The proposal for multiple levels of above ground car park raises concerns in relation to the zone objectives and restricts the commercial floor plate.
- Detailed geotechnical investigation should be provided demonstrating why a greater proportion of the car parking cannot be located underground.
- Detailed consideration should be given to the bulk and scale of the podium and potential impacts on future development of adjoining land.
- The site is considered to be in a prominent location at the western end of Market St and the built form and façade treatment should be of a high quality and contribute positively to the streetscape.

ADMINISTRATIVE MATTERS

- The Local Planning Panel (LPP) will be the determining authority body a State Environmental Planning Policy 65 affected development (only \$17 million capital value so not Regionally Significant Development)
- It is noted that a pre-lodgement Design Review Panel meeting has been booked (DE-2018/67). It is recommended that this be followed through with and detailed drawings not be prepared until notes from that meeting are made available.
- It is recommended the application be submitted as a new development application rather than a modification to the previous approval.

PLANNING CONTROLS AND COMPLIANCE

State Environmental Planning Policy (Infrastructure) 2007

The proposal is to take into consideration the guidelines published in the Gazette as they relate to clause 87 – Impact of rail noise or vibration on non-rail development. Any acoustic treatments required to achieve the minimum noise levels are to be detailed in the submission.

State Environmental Planning Policy No. 55 – Remediation of Land

It is noted that the previous development approval for the site was found to be satisfactory subject to conditions of consent in relation to contamination. The development application should however provide clarification that there have been no activities on the site in the intervening years which would warrant further investigation.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX Certificates are required for the development that have been issued no earlier than 3 months before the date on which the application is made.

State Environmental Planning Policy 64 – Advertising and Signage

Advertising and signage should satisfy schedule 1 of this policy.

State Environmental Planning Policy 65—Design Quality of Residential Apartment Development

The statement of environmental effects must include the following:

- (a) *an explanation of how:*
 - (i) *the design quality principles are addressed in the development, and*
 - (ii) *in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development,*
- (b) *drawings of the proposed development in the context of surrounding development, including the streetscape,*
- (c) *development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,*
- (d) *drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,*
- (e) *if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,*
- (f) *photomontages of the proposed development in the context of surrounding development,*
- (g) *a sample board of the proposed materials and colours of the facade,*
- (h) *detailed sections of proposed facades,*
- (i) *if appropriate, a model that includes the context.*

Further commentary in relation to the Apartment Design Guide and design excellence requirements under the WLEP 2009 will be provided by the DRP.

Wollongong Local Environmental Plan (WLEP) 2009

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned **B3 Commercial Core**. Shop top housing permitted with consent.

Clause 4.3 Height of buildings

A maximum **60m** height limit applies to the site.

Clause 4.4A Floor space ratio—Wollongong city centre

The floor space ratio is to be calculated using the formula at clause 4.4A(4).

Gross floor area calculations are to be made in accordance with the definition of gross floor area provided in the dictionary to this LEP. Note, any car parking above that required by Council will be included as additional gross floor area.

Clause 7.1 Public utility infrastructure

Plans must illustrate the location of any substation or other significant plant or machinery.

Clause 7.5 Acid Sulfate Soils

Council's planning maps identify the land as being impacted by class 5 acid sulfate soils. Refer to the requirements of this clause in relation to preparation of any acid sulfate soil management plan.

Clause 7.6 Earthworks

Sufficient detail is to be provided in the application in order for Council to be satisfied of subclause (3) of this clause.

Clause 7.13 Ground floor development on land within business zones

Active frontages required for the development on both Young and Belmore Street.

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

A detailed assessment of the design excellence requirements under this clause is to be provided in the submission.

Concern is raised in regard to the amount of above ground car parking and the bulk and scale of the podium.

The submission should include detailed consideration of the potential impacts of the large boundary to boundary podium on adjoining land in respect of the applicable planning controls. The design approach taken will likely force any adjoining development to replicate this.

Clause 8.1 Objectives for development in Wollongong city centre

The submission should address the objectives of this clause.

Clause 8.4 Minimum building street frontage

A 20m minimum street frontage applies.

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

Consideration must be given to the future development potential of adjoining land in relation to the separation distances recommended under this clause.

Any variation to the requirements of this clause must be supported with a variation statement.

Wollongong Development Control Plan 2009

Wollongong DCP 2009 Chapter A1 – Introduction

Any variations to the DCP controls should be supported with a justification statement addressing the requirements of clause 8 of this chapter.

Wollongong DCP 2009 Chapter A2 - Ecologically Sustainable Development

Submission should address the objectives and sustainability principles at clauses 1.2 and 1.3.

Wollongong DCP 2009 Chapter C1 - Advertising Signage and Structures

Any signage should be consistent with the controls in this chapter.

Wollongong DCP 2009 Chapter D13 - Wollongong City Centre Precinct

The relevant controls in this chapter shall be addressed in the submission.

Particular comment is made in relation to compliance with the following controls:

- 2.5 Side and rear building setbacks and building separation: Uses above 45m require a 14m setback. The upper level(s) would not appear to comply
- 2.6 Mixed used buildings: Ensure consideration is made to potential use of the commercial premises for food and drink premises and the potential location of kitchen ventilation systems to avoid amenity impacts to residents.
- 3.8 Building exteriors: Careful consideration should be given to the north and south elevations of the podium given these will remain exposed until such time as adjoining land is redeveloped.
- 6.14 Storage: Storage for each unit is to be provided in accordance with this control and clearly identified on the plans.

Wollongong DCP 2009 Chapter E1 - Access for people with a disability

The development will have to comply with the BCA and Access to Premises Standards.

Wheelchair ramps or wheelchair platform lifts on the façade of the building compromise the activation and aesthetic of the building and will generally not be supported.

Wollongong DCP 2009 Chapter E2 - Crime Prevention through Environmental Design

The submission should include an assessment against the principles of CPTED outlined in this chapter.

Wollongong DCP 2009 Chapter E3 - Car Parking Access Servicing Loading Facilities

The following detail should be provided with the application:

General

- Internal access dimensions, including grades, access widths, and parking aisle widths compliant with AS2890.1.
- A Traffic Impact Assessment prepared by a suitably qualified consultant and prepared in accordance with Table 2.1 of the RMS Guide to Traffic Generating Development.
- Detail is to be provided of how the car parking areas will be ventilated

Access and Manoeuvring

- An analysis of the site access and relevant affected intersections using SIDRA to determine the traffic impacts from the development.
- Access compliant with the AS2890 series and designed for the largest anticipated vehicle to enter the site with adequate clearances adjacent to obstructions.
- Gradient of the access driveway across the footpath to be a maximum of 2.5% (1:40) and compliant with Clause 3.3 of AS2890.1 (unit development).
- Provision of adequate pedestrian and vehicle sight distance in accordance with AS2890.1.
- Swept paths which show a B99 vehicle passing a B85 vehicle on all car parking aisles and critical corners.
- Clause 2.5.2 (c) of AS2890.1 provides the minimum requirements for safe and convenient movement of vehicles on circulation roadways and ramps within car parking areas. In particular it requires swept paths to be provided. Areas which it is necessary for two vehicles to pass one another shall be designed for a B85 vehicle to pass a B99 vehicle. In both cases areas shall be checked using single turn swept path templates for the B99 vehicle and the B85 vehicles which include the swept path clearances specified in Paragraph B3.1 and the swept path clearances specified in Paragraph B3.2. The swept path clearances shall clear any kerbs at the boundary of

the intersection area. Note: A single B99 vehicle swept path should only be used where there is no requirement for 2 vehicles to pass.

Car Parking

- The metropolitan sub-regional centre parking rates in the RMS Guide to Traffic Generating Development apply if the rates are lower than that required by Council. The rates are as follows:
 - 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)
- Bicycle parking to be provided at a rate of 1 per 3 dwellings (residents) and 1 per 12 dwellings (visitors)
- 1 motorcycle space per 15 dwellings

Adaptable dwellings

- 10% of all dwellings should be adaptable units and associated space sizes for adaptable units should comply with AS2890.6 (2009). Adaptable units are to be identified on the plans. 1 car parking space which complies with AS2890.6 (2009) is acceptable for an adaptable dwelling.

City Centre Business/Retail Parking Rates

- 1 car parking space per 60m² GFA
- 1 bicycle space per 200m² GFA (staff) plus 1 bicycle space per 750m² GFA (visitors) – business premises
- 1 bicycle space per 750m² GFA (staff) plus 1 bicycle space per 1000m² GFA (customers) – retail
- 1 motorcycle space per 25 car parking spaces

Accessible Car Parking

- Accessible car parking must be provided for commercial premises in accordance with AS2890.6.

Basement Security while Allowing Access for Visitors

- The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area.

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 and Austroads. This should either be provided individually within the dwelling (indicated on plans and not encroaching on garage space) or in a secure communal compound and protected from the weather.

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 and can be rails which are protected from the weather.

Employee Bicycle Security

- The applicant should show the location of employee bicycle parking for the commercial premises which provides the appropriate level of security (User Class B) as required by AS2890.3 and Austroads. This should be provided in a secure communal cage.

Waste Servicing and Deliveries

- 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.
- Waste must be collected from within the site. Turning for waste collection vehicles (no more than 3 turning movements) should be demonstrated using swept paths. Overhead clearances must also be observed. The operating clearances for garbage trucks can be found within Chapter E7 of the DCP.
- AS2890.2 requires a maximum grade of 15.4% for service vehicles

Wollongong DCP 2009 Chapter E6 – Landscaping

- A Landscape Concept Plan (scale 1:100 or 1:200) is to be submitted as part of the Development Application in accordance with the requirement of Chapter E6 – Landscape of Wollongong Development Control Plan 2009.
- The landscape plan must identify all proposed and existing driveways, surface treatment existing/proposed, existing vegetation to be removed/or retained and any proposed car parking area treatments/ surface penetrations.
- The Landscape Plan is to be prepared by a registered Landscape Architect or person eligible for registration with the Australian Institute of Landscape Architects in accordance with the requirement of Chapter E6 – Landscape of WDCP 2009.
- The building footprint is to be shown on the site plan and the landscape plan.
- The landscape concept plan must show all existing trees on site accurately plotted, species identified and numbered to correspond with the arborist report. Clearly show which trees are to be retained or removed. Compensatory planting will be required for the trees removed.
- The existing underground services including drainage infrastructure are to be located on the landscape concept plan to verify the feasibility of street tree planting.
- The Public Domain Technical Policy Manual 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 Public Domain Technical Policy Manual available on Council's website.
- The existing footpath will require replacement as part of the development due. The developer is responsible for the construction of the replacement footpath paving for the entire frontage of the development. The cross falls are to be a maximum 2.5% and minimum 2%. Any level changes and transitions are to be contained within the development site.
- The facades on the ground floor levels may have to be set back or articulated to accommodate the level changes necessitated by the topography to achieve activation at the street level.
- At least 50% of the communal open space area must receive at least 3 hours of direct sunlight between 9am and 3pm on June 21. Wind breaks are to be provided along the southern and south eastern boundary to make sure there is protection from southerly winds.

Wollongong DCP 2009 Chapter E7 Waste Management

- A Site Waste Minimisation and Management Plan (SWMMP) is to be provided.
- Section 5.5 and 5.6 of this chapter outline the applicable requirements for waste storage and servicing
- On-site waste collection is required and provision must be made for manoeuvring on site to ensure forwards entry and egress.

Wollongong DCP 2009 Chapter E12 - Geotechnical Assessment of Slope Instability

- Geotechnical investigation is required to determine an earthworks plan such that adjoining property is protected. This is to be followed by geotechnical supervision of the earthworks to ensure all encountered geotechnical conditions are accommodated in the completed development. Use of ground anchors extending onto adjoining property is not supported.

Wollongong DCP 2009 Chapter E14 - Stormwater Management

- On site detention is required for the development. The development will need be designed to comply Chapter E14 (Stormwater Management) of the Wollongong Development Control Plan (DCP) 2009. A Stormwater Concept Plan will need to be prepared by a suitably qualified civil engineer in accordance with Chapter E14 and submitted with the development application.
- The proposed development will need to be designed such that it accepts and caters for any surface runoff from the adjoining land in a 'failsafe' manner without affecting any other property.
- The landscape and stormwater plans for the development will need to be compatible.

Wollongong DCP 2009 - Chapter E21 Demolition

A demolition plan is to be provided.

Wollongong DCP 2009 Chapter E22 - Soil Erosion and Sedimentation

An Erosion Sediment Control Plan is to be provided and include the following information (compliance with the "blue book" for each document type is considered a minimum requirement):

- (a) A Basic Erosion Sediment Control Plan shall include a suitably detailed graphical representation of the site (with a scale of at least 1:200) that identifies all the pertinent matters pertaining to the management of ESC
- (b) An Erosion Sediment Control Plan must consist of relevant site drawings, plans (including ESC infrastructure) and supporting documentation as to how specific control measures will mitigate relevant ESC issues.
- (c) A Soil and Water Management Plan covers all site soil and water management issues where by ESC is one part of the overall management requirements. These plans include engineered solutions based on detailed numerical assessment of the probable site behaviour during construction.

Wollongong DCP 2009 Appendix 1 - Public Notification and Advertising Procedures

The application will be notified in accordance with this policy.

SITE INFORMATION/CONSTRAINTS

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.

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
- Demolition Plan and Photographs
- BASIX assessment/certificate
- 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
- Model
- Streetscape Sketch
- Design Method/Approach
- Geotechnical Report
- Traffic Generation Impact Assessment
- Plan of On-Site Traffic Movement/Parking/Loading
- Stormwater Concept Plan
- Landscape Concept Plan
- Acoustic Report
- Disabled Access Design Provisions
- Site Management Plan/Staging Plan
- Waste Management Plan

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.

Please contact Council's Customer Service Centre on (02) 4227 7111 if any issues arise through the design phase prior to the lodgement of the development application or if there are any questions in relation to the content of this letter. If 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

This letter is authorised by

Nigel Lamb

Development Project Officer

Wollongong City Council

Telephone (02) 4227 7111

Wollongong Design Review Panel
Meeting minutes and recommendations DA-2018/973

Date	9 October 2018
Meeting location	Wollongong City Council Administration offices
Panel members	David Jarvis
	Tony Quinn
	Marc Deuschle
Apologies	Nigel Lamb, Senior Development Project Officer
Council staff	Pier Panozzo– Manager Development Assessment & Certification (Acting)
Guests/ representatives of the applicant	Angelo Di Martino – ADM Architects Elaine Treglown - TCG Consulting Tracey Whiteman – Landscape Architect John Kouri – Raw Constructions
Declarations of Interest	Nil
Item number	3
DA number	DA-2018/973
Reasons for consideration by DRP	Clause 28 SEPP65, Clause 7.18 WLEP 2009
Determination pathway	Wollongong Local Planning panel (WLPP) Section 4(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the Development is sensitive development
Property address	28-32 Young Street & 29-31 Belmore Street Wollongong
Proposal	Residential - demolition of existing structures and construction of a 15 storey mixed use development comprising 7 commercial tenancies 66 residential apartment and car parking for 97 vehicles.
Applicant or applicant's representative address to the design review panel	
Background	The site was previously inspected by the Panel 19 June 2018 & again 9 October 2018
Design quality principals SEPP65	
Context and Neighbourhood Character	<p>The site is located within an evolving context at the edge of Metro Wollongong's Commercial Core, with frontages to both Young and Belmore streets. The site has a frontage of 40.23m, has a significant fall to the west and is centred on Market Street, which rises to its east. While Young Street hosts a mix of mixed use and shop top housing developments, it's Belmore Street context comprises lower scale residential dwellings, as well as larger buildings to the north and south. A DA has been approved for an alternate proposal for this site, which the panel had reviewed. Numerous suggestions and comments of the panel had been suitably addressed by the approved DA proposal, this new proposal continues to build on this past resolution.</p> <p>The new proposal is a revised programme of function comprising street level commercial space, duplex apartments sleeving car parking within a podium form and an exclusively residential tower</p>

	<p>above – the previously proposed hotel component has been omitted from the scheme.</p> <p>The proposal comprises a five-storey residential podium and tower with some retail at grade. The building is located between Young and Belmore Streets and is centred, axially on Market Street giving it significant presence at an urban scale and elevating its importance within a wider context for Wollongong.</p> <p>In response to the panels previous comments further contextual analysis has been undertaken, demonstrating that the proposal will sit comfortably in the anticipated future context of this precinct.</p> <p>Street level retail has been further refined to respond to the topography of both street frontages, providing at grade entrances to all retail spaces that connect to the streets, contributing to the activation of the streets.</p> <p>Street trees are now being proposed along Belmore Street. The applicant advised that extensive services located within the Young Street foot path prevented additional street trees from be provided in Young Street. The panel would urge the existing tree should remain.</p>
Built Form and Scale	<p>The built form comprises of a residential podium of five to six storeys between Young Street and Belmore Street, filling the entire site. A residential tower sits above the podium. A communal space with swimming pool is provided at level six; the layout of this communal space has been developed to limit potential privacy issues between the communal terrace and adjoining residential units. However further refinement of the communal space is recommended to improve amenity (Refer to Landscape comments).</p> <p>Four light-wells form narrow slots in the north and south face of the podium, bringing natural light down to corridors of the duplexes below. The width and expressions of these slots will also play an important role in articulating nil set back side elevations of the building base, as these elevations will remain exposed until the adjoining sites are developed. In response to the panels previous comments the light wells have been increased in width to further articulate the exposed edges of the podium and increase natural light into common circulation areas.</p> <p>While the scale of the proposal generally complies with LEP and DCP requirements, building separation between habitable spaces (including common open areas) and adjoining properties alongside boundaries do not conform to the requirements of the ADG. Part 3F of the ADG requires 9m boundary set back for window of habitable rooms or balconies of buildings between 5-8 storeys and 12m boundary setback for buildings over 9 storeys. However, none habitable rooms (or interfaces that do not result in potential visual privacy issues) can be a minimum of 6m for buildings in excess of 9 storeys.</p>

	<p>On the residential tower corner balcony screening has been provided to the north and south to preserve visual privacy and ensure the predominant outlook is to the west or east away from the neighbour. These screens have now been detailed to demonstrate how privacy will be achieved. To ensure that this design intent is realised and compliance with the requirements of the ADG met, the applicant is required to provide dimension and angles of blades and openings, to be submitted.</p>
Density	<p>The proposal appears to be consistent with the LEP's density and height requirements for the site. The design of the podium extends the full extent of the site and assumes that future neighbours will adjoin the built form to create a consistent street wall. However, as this will be the first larger building built to permitted controls, these walls will be exposed for some time. In response to the panel's previous comments the slots have been increased to create three distinct elements within each façade. Materials have also been developed to allow the brickwork to wrap around the corner of the façade and accentuate the central element with a pattern reflected in the tower above.</p> <p>The proposal now presents as a scale and density consistent with the desired future character of this precinct.</p>
Sustainability	<p>While specific sustainability strategies were not discussed at the meeting, it is acknowledged that the proposal achieves the required levels of solar access and cross ventilation.</p> <p>Other measures, such as solar panels and water reuse are required to meet sustainability objectives – a building of this scale is expected to include ESD initiatives.</p>
Landscape	<p>The panel noted that 4 street trees are now proposed for Belmore Street – with four species listed. It is recommended that the Blueberry Ash be removed as an option as it's form is not in keeping with the future character of the area. The single existing tree on Young Street must be retained.</p> <p>The majority of landscape for this development is the COS on roof terrace. This has been vastly improved since the last panel review and could benefit from these further considerations:</p> <ul style="list-style-type: none"> - The landscape seen immediately upon exiting the lift is proposed to be a communal/vegetable garden. Given the variable success of such a garden (relying on residents to maintain) it is proposed that the entry landscape be a permanent feature and that the vegetable garden be associated with the BBQ area (this association could be integrated with the rest of the space or as a separate garden area). - The access stairs leading to the pool from the BBQ area should be rotated 90 degrees to allow a larger platform adjacent to the pool to be achieved.

	<ul style="list-style-type: none"> - The planting between the pool area and the quiet garden should be continuous to completely separate these two spaces; it could be supplemented with visual barriers such as screens or hedges. - The feel of the quiet garden could be enhanced to reflect the quiet nature of the space by altering the finishes. Narrowing the entry slightly and adding a 'floating' feeling with pebbles or plants around the edge will give a more intimate/meditative feel to the space.
Amenity	<p>Apartments are generally designed in a functional manner to provide a reasonable level of amenity to future occupants.</p> <p>Bed room 1 of Unit 502 and 503 have been designed with snorkel type windows. Though technically not compliant with the recommendations of the ADG, these windows create bays that are well proportioned, that add to the amenity of the room. Strict compliance with the ADG would not, in this instance, improve the quality of the rooms.</p> <p>The intent of an adaptable unit is to provide a unit that can be adapted to respond to the specific needs of an individual at minimum cost and inconvenience. Units 601, 801, 1001 and 1201 require laundries to be relocated, bath rooms to be completely rebuilt and the bed rooms to be reconfigured. This is not in the spirit of an adaptable unit, it is recommended that the units are developed to facilitate easier adaptation.</p>
Safety	No significant safety issues were raised at the meeting.
Housing Diversity and Social Interaction	An appropriate mix of uses has been proposed for this neighbourhood and the Communal spaces provide good opportunity for social interaction.
Aesthetics	<p>The formulation and resolution of the built form is generally well handled, with an appropriately scaled streetscape and well resolved elevations. The development of the brick building base now adds texture and solidity to the building expression.</p> <p>A competent and appropriate building aesthetic has been developed.</p> <p>Servicing of the building should be considered at this stage of the design process. The location of service risers, carpark exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated.</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building	Yes

type and location will be achieved	
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Yes
Whether the proposed development detrimentally impacts on view corridors,	No apparent impact on views.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
How the development addresses the following:	
the suitability of the land for development,	Yes, Appropriate site
existing and proposed uses and use mix	Yes, Appropriate mix of uses.
heritage issues and streetscape constraints,	N/A
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,	Yes
bulk, massing and modulation of buildings	Yes, Appropriate
street frontage heights	Yes, Appropriate
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Yes, Appropriate
the achievement of the principles of ecologically sustainable development	
pedestrian, cycle, vehicular and service access, circulation and requirements	Pedestrian and vehicular access strategies are appropriate
impact on, and any proposed improvements to, the public domain	Yes, Appropriate
Recommendations	The proposal has been developed to relate appropriately to the future desired context of the neighbourhood. A reasonable level of amenity will be provided to the

	<p>building's occupants and competent aesthetic developed. Some minor refinements, further consideration of the following issues are recommended:</p> <ul style="list-style-type: none">- Further development of adaptable units- Further refinement of the communal terrace- A dimensioned detail provided to document privacy screens.
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Attachment 9 – Draft refusal reasons

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the Design Quality Principles contained in Schedule 1 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development in respect of Context and neighbourhood character, Built form and scale, Safety and Aesthetics.
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed does not meet the recommended building separation distances under the Apartment Design Guide. The reduced separation distances are considered to result in adverse impacts and the variations not well founded.
3. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed does not have regard to the Apartment Design Guide in respect of the communal storage area. This area is not considered to be convenient or accessible.
4. Pursuant to the provisions of Section 4.15 (1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development does not have regard to the Apartment Design Guide in respect of apartment size and layout. Bedrooms are accessed directly off living spaces contrary to Objective 4D3 which states that access to bedrooms, bathrooms and laundries is separated from living areas.
5. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the maximum FSR permitted under clause 4.4A of Wollongong Local Environmental Plan 2009 and a clause 4.6 submission has not been provided.
6. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed is not considered to exhibit design excellence as required under clause 7.18 of Wollongong Local Environmental Plan 2009.
7. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the recommended setbacks contained in Wollongong Development Control Plan 2009, Chapter D13 section 2.5. The variations are not well founded and are considered to result in adverse impacts.
8. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is of a bulk and scale that would adversely impact future development and the streetscape.
9. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not have regard to a key view corridor identified in Wollongong Development Control Plan 2009, Chapter D13, section 3.10 and 7.2.2. Impacts on the view west towards St Michael's cathedral have not been addressed.
10. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.