

Wollongong Local Planning Panel Assessment Report | 5 December 2023

WLPP No.	Item No 1.
DA No.	DA 2023/124
Proposal	Mixed Use - demolition of existing buildings and structures and construction of a 14 storey shop top housing development including car parking, associated earthworks and landscaping
Property	13 Crown Street Wollongong
Applicant	Wollongong Investments No.6 Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (BH)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 4(b) of Schedule 2 of the Local Planning Panels Direction of 6 September 2023, the proposal is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.

Proposal

The proposal is for Mixed Use - demolition of existing buildings and structures and construction of a 14 storey shop top housing development including car parking, associated earthworks and landscaping.

Permissibility

The site is zoned MU1 - Mixed Use pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as 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 two (2) submissions (objections) which are discussed at section 1.5 of the assessment report.

Main Issues

- Building separation departure

RECOMMENDATION

It is recommended that the application be approved subject to the draft conditions which form **Attachment 9** of this report.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Transport and infrastructure) 2021
- SEPP (Koala Habitat Protection) 2021

Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of all structures on the site.
- Construction of a 14 storey shop top housing development.
- The building is configured as a 2-storey podium containing commercial uses on the ground floor, with residential apartments located on Levels 1 to 13 above.
- Vehicular entry from Harbour Street.
- Parking and garbage servicing on ground floor
- Two levels of basement car parking
- Two (2) retail units at ground level (one with entrance from Crown Street and one with access from Harbour Street.
- Twenty one (21) residential apartments
- The apartment mix comprising 10 x 2 bedroom units and 11 x 3 bedroom units.



Figure 1: 3D Rendering of Proposed Development as viewed from north-eastern corner of Harbour Street and Crown Street (Left) and from the south-East (right)

1.3 BACKGROUND

A pre-Development Application meeting was held on 13 July 2022.

A pre- Development Application DRP was held on 26 September 2022.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 13 Crown Street (formerly known as 44 Harbour Street) and the title reference is Lot 1 DP 1286062. The site has a frontage 20.345m to Crown Street and 50.015m to Harbour Street. The site area is 1,016m².

The site is regular in shape and relatively flat with a fall of approximately 1.5m from north to south.

Adjoining development is as follows:

- North: Crown Street
- East: Harbour Street
- South: Shop top housing on the corner of Harbour Street and Burelli Street.
- West: Shop top housing under construction

The locality is characterised by high density residential housing with commercial uses at street level. The subject site is located on the periphery of the city centre. Directly to the east is Win Stadium and beyond that, the foreshore. To the north is St. Francis Xavier Catholic Church and Administrative Offices.

Property constraints

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

- Contaminated Land Management Act
- Class 5 Acid Sulfate Soils

There are no restrictions on the title.



Figure 2: Relationship of proposed development to adjoining development

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019. Two (2) submissions (objections) were received and the issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Excessive number of multi storey buildings in Wollongong	The planning controls permit larger multi storey buildings. The proposal is compliant with the height and FSR and setback controls that relate to the site which is located in a mixed use zone on the periphery of the city centre.
2. Traffic and Parking	<p>Concern is raised that there is insufficient parking available particularly when large events are being held. Large events when held at the nearby Wollongong Entertainment Centre and Win stadium abide by traffic management plans (TMP) which are phased based on the number of patrons. The TMPs also include requirements for special arrangements for public transport coordination and parking resources to be employed. All major events triggered by the TMP's require approval from Council Traffic Committee.</p> <p>The proposed development is relatively small in scale and provides the required on site car parking in accordance with the requirements of Council's DCP.</p>

Concern	Comment
3. Building Height	The submission refers to the site having a maximum height of 8 storeys, a height limit which is stated as being “ <i>embraced by the community</i> ” and which has “ <i>generally worked well</i> ”. Eight storeys is approximately 24m, where the height limit is 48m. The proposal building complies with the height standard contained in WLEP 2009.
4. Overshadowing	The application includes shadow diagrams which demonstrate compliance with shadow controls. Refer to Attachment 5 for shadow diagrams and sun’s eye diagrams. The building whilst tall is relatively slender and any shadows cast will move across adjoining sites relatively quickly.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council’s Geotechnical, landscaping, stormwater, traffic officers have provided satisfactory referrals. Council’s heritage officer, strategic planner and internal architect have raised some concerns regarding the design of the building and these are addressed in the report.

Council’s heritage officer’s comments are addressed under Clause 5.10 below. Council’s internal architect was generally supportive of the proposal however suggested some minor amendments which were in part made by the applicant. Changes that were not made by the applicant were conceded as being subjective and not critical to the overall merit of the design. Council’s strategic planner raised concerns regarding building form noting that the site is on a highly visible corner block which has good access to public open space and views of the ocean. Concern was raised that there was a lack of street activation in Harbour Street opposite the Entertainment Centre. Further concern was raised in relation to the depth of the undercroft in Crown Street. These issues were also identified by the DRP and were appropriately addressed by the applicant in subsequently amended plans.

Design Review Panel

Following the Pre-Lodgement meeting with Council staff on 13 July 2022, the application was considered by the DRP Panel on 26 September 2022 at pre DA stage when 2 options for the development of the site were presented to the Panel. The Panel noted that the site and its context had been very well considered in the documentation provided, which included an analysis at multiple scales, an examination of DCP, LEP and ADG requirements, and various diagrams demonstrating how the design strategy responds to the site opportunities and constraints. While the Panel generally commended the analysis and principles that underpinned the preliminary proposal, various concerns regarding the podium, interface with public domain, landscape, materiality and expression were raised. Specifically the applicant was requested to address the following:

- increased contextual and technical information on drawings
- further resolution of required servicing, including the integration of fire boosters and other technical fittings along the public domain; loading bay; etc
- increased ground level activation to Crown Street (via amended loggia) and Harbour Street
- increased size and prominence to north facing retail
- rationalising basement levels including two-way ramps and carriageways; removal of excessive storage, etc

- refinement of podium / undercroft composition
- providing an improved COS offering with greater amenity and program
- indicating all AC and clothes drying and screens
- indicating how balconies will be screened to provide adequate amenity for variable wind and weather conditions.
- Describing sustainable initiatives for the site.

Following submission of the DA the DRP again reviewed the proposal which had addressed the previous concerns raised by the panel. The Panel's notes from the post lodgement meeting are included as **Attachment 4**

The applicant provided a response to the Panel's concerns in conjunction with amended plans lodged on 8 September 2023.

The following is a summary of the key responses to the Panel's concerns:

DRP Comment	Applicant's response/Council Comment
<u>Context and Character</u> <p>The Panel noted that for DA documentation, the drawings contained limited information and were quite bare.</p>	<p>Amended plans were provided which show additional contextual information and levels. Information provided is considered satisfactory</p>
<u>Built Form and Scale</u> <p>The applicant consider additional retail /commercial facing Harbour Street and consider the changing nature of this precinct and the ability for this street face to provide a viable active edge into the future. It is also noted that the ground level parking area does not allow for loading</p>	<p>Amended plans were provided to include a retail premises on the Harbour Street frontage to achieve activation of the street.</p> <p>Ground level has been revised to achieve adequate area for loading/garbage servicing.</p> <p>Plans are acceptable to Council's traffic engineer and internal architect.</p>
<u>Sustainability</u> <p>There does not appear to be a description within the documents that outlines sustainability specifically as an outcome for the site. The applicant is to outline separately the sustainable initiatives designed into the project and address the DRPs earlier comments.</p>	<p>This is addressed by way of conditions to ensure Council's adopted measures for sustainability are provided.</p>
<u>Communal Open Space</u> <p>Concerns regarding lack of information/detail with respect to facilities within common open space.</p>	<p>Amended landscape plans provided to address issues. These are satisfactory to Council's landscape architect.</p>
<u>Bulk, massing and modulation of Buildings</u>	<p>Revised Urban Design Report provided which addresses in detail the siting of the proposal in the context of adjoining built forms.</p>

Council's assessment staff have reviewed the amended plans and the DRP comments and advised that the amended plans in response to the matters raised by the Panel have been satisfactorily addressed. Significantly, the activation of the Harbour Street frontage has been addressed by

providing a commercial tenancy on the eastern elevation. The development as amended is considered to exhibit design excellence as required by Clause 7.18 of Wollongong Local Environmental Plan (LEP) 2009 and responds appropriately to the design quality principles of SEPP 65.

1.6.2 EXTERNAL CONSULTATION

Endeavour Energy

The application was referred to Endeavour Energy as required by Clause 2.48 of State Environmental Planning Policy (Transport & Infrastructure) 2021. Endeavour Energy has an advisory role and provided comment as to future servicing requirements and has confirmed that it has no objection to the proposed development.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

This act has effect subject to the provisions of part 7 of the biodiversity conservation act 2016 and part 7a of the fisheries management act 1994 that relate to the operation of this act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the environmental planning and assessment act 1979 (EP&A Act) provides that act has effect subject to the provisions of part 7 of the biodiversity conservation act 2016 (BC Act).

Part 7 of the BC Act relates to biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this act.

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

No native vegetation is proposed to be cleared for the development. The minimum subdivision lot size for the land under WLEP 2009 is 449m². Therefore, the proposal does not trigger the requirement for a biodiversity offset scheme and the site is not identified as being of high biodiversity value on the biodiversity values map.

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICIES

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Coastal Management Chapter 2

Clause 2.8 - Development on land in proximity to coastal wetlands or littoral rainforest

The site is not located in close proximity to coastal wetlands or littoral rainforest. No impacts are anticipated.

Clause 2.9 Development on land within the coastal vulnerability area

The site is not located on land within the coastal vulnerability area.

Clause 2.10 Development on land within the Coastal Environment Area

The site is identified as being located within the coastal environment area. The proposal has been assessed against the requirements of this Clause, and the proposal is not considered likely to have an adverse impact on the biophysical, hydrological or ecological environments, natural coastal processes, water quality, public open space, Aboriginal cultural heritage, or the use of the surf zone.

Clause 2.11 Development on land within the Coastal Use Area

The site is identified as being located within the coastal use area.

Clause 2.12 Development in coastal zone generally – development not to increase risk of coastal hazards

The proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Consideration has been given to the relevant provisions of the certified coastal management program that applies to the land and no concerns are raised.

Clause 2.13 Development in coastal zone generally – coastal management programs to be considered Wollongong Coastal Zone Management Plan

A review of Council's associated CZMP mapping identifies that the site is not impacted by coastal geotechnical risk, ocean inundation or reduced foundation capacity. Minimal adverse impact on the coastal environment is anticipated because of the proposed development. Minimal impacts on the development are expected because of coastal processes.

The proposal is therefore considered satisfactory regarding the aims, objectives and matters outlined for consideration in the SEPP, including the Wollongong CZMP

Chapter 4 Remediation of Land

4.6 Contamination and remediation to be considered in determining development application

The proposal has been reviewed by Council's Environmental Scientist with regard to the SEPP and the relevant provisions of Wollongong DCP 2009 who has advised that the site validation report prepared by eiaustralia consulting services dated 27 October 2022 has recommended UFP, waste classification and CEMP as consent conditions.

Further, the validation report considered previous site investigation reports that were undertaken during 2004 and 2006 by various consultants post decommissioning USTs and other service station related above ground structures. Upon completion of site remediation and validation a site auditor's services has been undertaken for statutory audit that includes issue of SAS and SAR. In 2006 the SAS and SAR issued stated that the site can be made suitable for mixed development (commercial and residential apartment) with minimal access to soils.

A revised SAS and SAR was submitted to Council 23 March 2023. The site auditor has stated that site is suitable for the proposed development. USTs were removed and given the development will require 7 metres below ground excavation for construction of 2 level basement car parking, the excavated soils will be disposed off site.

The validation report prepared by eiaustralia consulting services dated 27 October 2022 suggested consent conditions are acceptable. No further information is required for the site assessment.

Subject to the recommended conditions, no concerns are raised in regard to contamination as it relates to the intended use of the land and the requirements and the provisions of clause 4.6 are satisfied.

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

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, as reflected above.

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

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

Principle 1: Context and neighbourhood character

Applicant's Statement of Compliance:

The surrounding context is varied in scale and character. The land to the South and West of the site has been recently redeveloped with high density residential blocks of a similar height to the proposal. Immediately to the West sits a 15-storey tower (46 Harbour St). To the South there is a recently approved 13-storey tower (15-19) Crown. Immediately to the East of the site is the WIN Entertainment Centre and WIN Stadium further to its South. The buildings to the north of Crown St are lower in scale and varied in typology with a number of heritage buildings such as St Francis Xavier Cathedral and 10 Crown St. Further development to a potential height of 32m is anticipated for some of these sites on the north. The proposal incorporates the DCP setbacks, 3m to Harbour Street and 2m (podium) and 5m (tower) to Crown St. The proposed tower thus aligns with the street frontages of the neighbouring towers.

Council comment:

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

Principle 2: Built form and scale

Applicant's Statement of Compliance:

The local context is very varied in scale with a variety of built forms and typologies. In this context this building could be described as a relatively small tower. The design embraces the opportunity to be a building in the round with a distinct identity. The main bulk of the tower is raised above the podium, enabling the podium to host a relatively generous landscaped communal open space. This communal open space is double-height and receives excellent solar amenity. In addition to accommodating the communal open space, raising the tower provides increased view amenity to the apartments in the tower. The building has a relatively small floor-plate for a residential tower measuring 11 x 35 m. The longer eastern facade is bisected by a slot that mediates the tower's bulk as well as providing solar amenity. This slot is cut in more deeply at the upper levels. The upper levels also step in from the south reducing apparent bulk. The northern and southern ends of the tower have a slender expression, further emphasized by the balcony treatment. The relatively low-height podium has a human scale but also has civic presence with oversized arches providing a playful welcoming gesture to the ground plane. The arched forms in-part respond to the precedent of the arches of no 10 Crown St. The commercial unit and lobby are set back, creating a small sheltered north-facing plaza and outdoor dining area.

Council comment:

The bulk and scale of the development is consistent with the applicable planning controls for the area. The development is not considered to be out of context with regard to the desired future character of the area and the likely impacts of the development on the locality and adjoining development.

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

Principle 3: Density

Applicant's Statement of Compliance:

The local area is highly serviced terms of facilities and amenity, with transport, dining, shopping and recreation in close proximity to the site. The proposed residential units are of high amenity with many apartment attributes exceeding the design standards e.g. 100% cross-ventilation and solar access and private open spaces. In addition many of the apartments will have excellent view amenity. The proposal is for 21 units with a mix of 2-bed and 3-Bed units The tower sits within the LEP 48m height limits and allows for lift over run and is within the FSR set out in 4.4A of the WLEP The development provides housing with proximity to employment opportunities and transport routes. The design is located just 200m from the beach and approximately 500m from the city Centre.

Council comment:

The density of the development complies with the maximum FSR permitted for the land. The development is not of a scale that is expected to place unreasonable strain on local infrastructure. Contributions applicable to the development will go towards local infrastructure and facilities. The site is well situated with regard to existing public open space and services.

Principle 4: Sustainability

Applicant's Statement of Compliance:

The proposed residential units are high amenity with many apartment attributes exceeding the design standards e.g. 100% cross-ventilation and solar access. The shallow depth of the units combined with natural crossventilation will reduce the need for air-conditioning. The apartment's balconies and terraces exceed ADG minimums, promoting outdoor living. The north and south facades have continuous balcony overhangs. The East has extensive glazing which receives shading by a projecting ledge. It is anticipated this glazing will be high performance to meet Basix. The facade has minimal glazing to the west. The proposal is for 21 units with a mix of 2-bed and 3-Bed units The development provides housing with proximity to employment opportunities and transport routes. The design is located just 200m from the beach and approximately 500m from the city centre.

Council comment:

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

- BASIX Certificates provided indicating minimum requirements are met.
- A Site Waste Management and Minimisation Plan has been provided indicating recycling of materials from the demolished dwellings.
- The proposal does not impact on any heritage items or environmentally sensitive areas
- The proposal is an efficient use of land in a location that is close to services and public open space.

Principle 5: Landscape

Applicant's Statement of Compliance:

The public Domain is drawn from the setting. A commercial unit anchors the Crown St/Harbour corner with a small covered plaza on the northern side in front of the commercial unit and lobby. This space is seen as an outdoor dining/cafe space. The southern part of the Harbour St frontage is less active but the 3m building street setback provides opportunities for landscaping to the southern portion. The design provides a total of 613sqm communal open space (L1- 569sqm, L11-44sqm) that amount to 60.3 % of the total site area. This is more than double the ADG requirement of 25% . The 185sqm of deep planting provided exceeds the design guidance of 10% of site area for a site 650-1500sqm The main landscaped communal open space is located at Level 1. This space is partially covered by the tower which provides weather cover .The covered area is not excessively deep and has excellent

solar amenity. This space is not overlooked or in close proximity to apartments . It also enjoys a visual and physical connection to the street level The communal open space is seen as an active space suitable for gatherings, entertaining or such as yoga. The spaces to the West and South of the space are less active and serve as buffer/outlook. The roof terrace at Level 11 is seen as a space for more passive activities such as reading, contemplation and enjoyment of the ocean and coastal views

Council comment:

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants and soften the appearance of the development from adjoining properties and the public domain.

Principle 6: Amenity

Applicant's Statement of Compliance:

The proposal is quite distinctive in having a maximum of two unit levels per floor and a single unit per floor for the upper three levels. This provides excellent apartment amenity in terms of solar access and cross ventilation. The units have been designed to enjoy the excellent local and distant views with many of the upper units enjoying uninterrupted ocean views All of the units have 'double fronted' living room layouts - with the dining and lounge areas on the glass line. The shallow plan provides all rooms with a north of east aspect and views where available. Private outdoor areas are in excess of ADG minimums and with planters providing the amenity of landscape and privacy to portions of the balcony. The design considers its neighbours by maximizing separation distance and avoiding overlooking, maintaining privacy. It is noted that 15-19 Crown St has been designed with its units focused on the views to the North so the design has limited effect on the amenity of its units.

Council comment:

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

Principle 7: Safety

Applicant's Statement of Compliance:

The design has developed and integrated thoughtful planning and CPTED considerations. This should mitigate risks and provide a secure, safe, and inviting environment for all occupants and users of the site The proposal maximises active frontage at ground floor level with active uses on both street frontages. The commercial unit addresses the corner with a small plaza/outdoor seating area facing onto Crown St. The apartment lobby is accessed off Harbour St . The lift waiting area is directly visible from the Street. The communal open space at Level 1 is close to street level and will provide a degree of passive surveillance . In addition the extensive balconies further enhance passive surveillance The upper level lift lobbies are compact in size and filled with natural light. The car park has visitor and commercial spaces at Ground level, permitting the basement levels to be residential-only, thus allowing for a security roller door if desired.

Council comment:

The proposal is satisfactory with regard to safety and security.

Principle 8: Housing diversity and social interaction Applicant's

Statement of Compliance:

The proposal is relatively small in size compared to many of the recent neighbouring developments. The limited number of units means it is challenging to provide an extensive range of unit types. However the proposal is quite unique within the locality, providing quite large and luxurious apartment types. Thus when viewed in the context of the immediate locality the development is

contributing to overall diversity. The 'front-door entry' off Crown Steet and the lobbies with only 1 or 2 entries gives these units a townhouse feel setting this development apart from the larger nearby developments. The small plaza space fronting the commercial unit and entry lobby will provide a sunny sheltered outdoor space providing social interaction activation to the street level. The communal open space at Level 1 provides a natural element with planting spilling over.

Council comment

The proposal does not provide a full mix of unit sizes in that there are no 1 bedroom units but is considered acceptable for a development of this scale. The proposal is considered appropriate to the locality.

Principle 9: Aesthetics

Applicant's Statement of Compliance:

The design of the tower is a response to the landmark site. The corner site and the small floorplate prompted a singular expression to the tower. Soft curves and expressed slabs give the tower a streamlined appearance. The East and West facades celebrate the excellent views with extensive glazing. The main accommodation is contained within a central glazed volume capped with balconies North and South. Expressed columns and a projecting slab edges give depth and pattern to the glazed facade. The columns are carefully set out with regular spacing giving rhythm and order. A subtle faceting of the glass provides texture to the facade and some variation to the view. The south and north of the tower is bookended by full width balconies. Planted sections provide an element of nature in addition to providing sections of the balcony with privacy. A slot in the facade reduces the apparent length of the eastern facade to provide solar access and northern views to the 2-bed type unit. The western facade has minimal opening in recognition of the proximity proposed tower to the west. A subtle play of openings and pattern provides animation to this facade. The podium focuses on providing a welcoming expression to the street plane. A playful series of large arches provided a play of scales that relates to the scale of WIN stadium and entertainment centre. The podium materials are natural warm tones of sandstone and timber lining. The tower above is more restrained with natural concrete and glazing to the main volume of the tower and a white painted render and frameless glass to the penthouse levels. The west of the tower has aluminium vertical cladding panels picking up the warm tones of the podium and integrating with the screens on the North west corner.

Council comment:

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

Councils' assessment officer and in-house Design Expert, consider that the amended plans satisfactorily addressed the matters raised by the DRP.

Apartment Design Guide (ADG)

With regard to Clause 28(2)(c), the Apartment Design Guide has been considered and a compliance table is provided as **Attachment 6**. The proposal is compliant with these provisions.

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

The residential dwellings component of the proposal is BASIX affected development to which this policy applies. In accordance with Part 3 Division 1 Section 27 of the Environmental Planning and Assessment Regulation 2021, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

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

Clause 2.48 Determination of development applications—other development

Endeavour Energy has provided comments on the proposal and raised no concerns subject to conditions. A substation is not required for this development as it can connect to an existing substation within the WIN Entertainment Centre.

2.1.6 SEPP (Koala Habitat Protection) 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

12 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is not core koala habitat. The land has not been assessed by a suitably qualified and experienced person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site currently or within the previous 18 years. The proposal does not include the removal of extensive native vegetation and the land is not considered to comprise core koala habitat.

2.1.7 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

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 .

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To support adjacent and nearby commercial centres and minimise adverse impacts on the viability of the centres.
- To encourage development that is compatible with the centre's position in the centres hierarchy.

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; Entertainment facilities; Environmental facilities; Exhibition homes; Function centres; Home businesses; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted

premises; Roads; Self-storage units; Service stations; **Shop top housing**; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Wholesale supplies

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

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Not applicable.

Clause 4.3 Height of buildings

The proposed maximum building height of 47.3m complies with the maximum of 48m permitted for the site.

Clause 4.4 Floor space ratio

As per WLEP mapping the site a maximum of 1.5:1. However, Clause 4.4A of WLEP 2009 provides that the maximum FSR control for mixed use developments on land zoned MU1 be determined using a formula based on the proportion of non-residential and residential floor space within a building, being:

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

where -

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

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

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

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

The total retail floor space is 126m² which is 4.8% of the total GFA.

The total Residential floor space is 2,458m² which is 95% of the total GFA

The maximum allowable GFA using the above formula is $(3.5 \times 4.8/100) + (2.5 \times 95.2/100):1 = 2.54:1$

The site has an area of 1,016m², therefore the maximum floor space permitted at 2.54:1 is 2,580m².

The development proposes 2,575m² which equates to an FSR of 2.535:1. The proposal is compliant with this requirement.

Clause 4.6 Exceptions to development standards

The application includes a request to vary Clause 8.6 Building Separation of WLEP 2009. The applicant's Variation Request forms **Attachment 7** and the request is addressed at Part 7, Clause 8.6 below.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The subject site is adjacent to a number of heritage listed sites as follows and as shown in **Figure 3 below**.

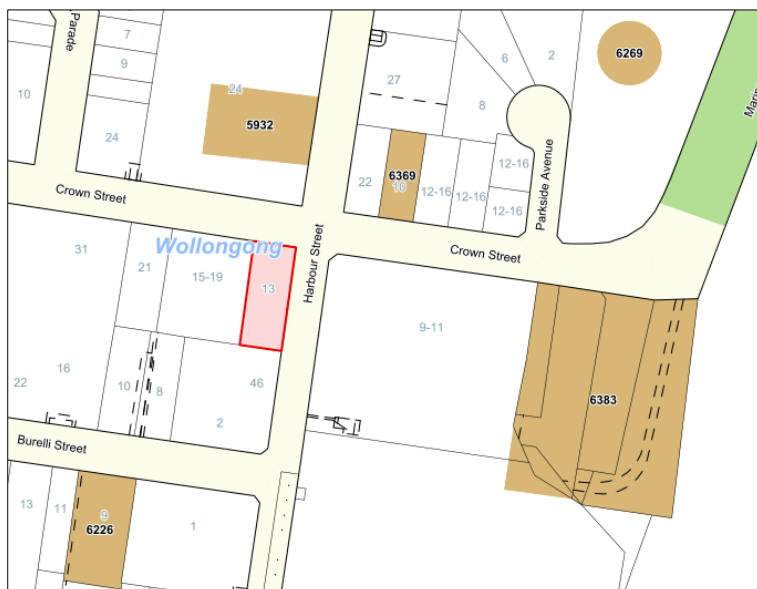


Figure 3: Location of Heritage listed properties.

Council’s Heritage officer has assessed the proposal and raised a number of concerns in relation to impacts on adjacent heritage items and impacts on archaeological heritage.

The Heritage officer acknowledges that the Archaeological Research Design dated 5 June 2023 prepared by Sustainable Heritage shows areas of low-moderate potential. The report indicates that the structures would be of local significance, however it does not provide any historic background such as past ownership etc. some of which is provided in the Heritage 21 HIS. A Heritage Interpretation Strategy was requested however given the low-moderate potential of heritage items being discovered on the site it was not provided.

Further, Council’s Heritage Officer requested that the application be referred to Heritage NSW under Clause 5.10(7) of the WLEP 2009 for 28 days. However, in relation to archaeological matters the site is not known to be an archaeological site as defined under WLEP 2009 as “a place that contains one or more relics.” Therefore, further investigation is not required. Conditions are recommended to address any unexpected finds in relation to archaeological items.

Whilst it is apparent that Council’s heritage staff are not fully supportive, it is considered that the proposal would not have significant impacts on surrounding heritage buildings and notwithstanding the comments of Council’s heritage officer the proposal is supported in its current form.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The site is situated within an existing urban area and accordingly, the development will be connected to the existing public utility infrastructure available (i.e., power, water, sewer, gas, telecommunications, and the like). There is sufficient capacity to accommodate the needs of the proposal subject to appropriate augmentation works. Advice from Endeavour Energy is that a substation is not required for this development as it can connect to an existing substation within the WIN Entertainment Centre.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. The objective of this Clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The works will not be Works within 500 metres of adjacent Class 1, 2, 3 or 4

land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Council's environment officer has not required an acid sulphate soils management to be prepared. A condition of consent will require excavated soils to be classified in accordance with the DECCW (2009) Waste Classification Guidelines and disposed accordingly to approved landfill facility.

Clause 7.6 Earthworks

The earthworks required to facilitate the development are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

Clause 7.13 Certain land within business zones

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

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

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

Clause 7.14 Minimum site width

This clause requires the site of a residential flat building to have a dimension of at least 24m. The site has a north-south dimension of 50.015m and therefore complies.

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

The requirements of this clause have been considered. The architectural aspects of the development are consistent with the provisions for design excellence as follows:

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

(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:

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

The DRP and Council's Design expert have reviewed the proposal and found the design, materials and detailing acceptable. The proposal is satisfactory with regard to the ADG and Council's development controls.

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

The proposed building form is compatible with the likely future streetscape.

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

The site is outside the distant panoramic view corridor from Flagstaff Hill looking towards the escarpment. No adverse impacts on the identified views are anticipated noting the setbacks to Kenny Street are compliant.

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

The development does not overshadow any sun plane protection areas.

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

(i) the suitability of the land for development,

The site is considered suitable for the development. The DRP has noted that the site is suitably proportioned and well located.

(ii) existing and proposed uses and use mix,

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

(iii) heritage issues and streetscape constraints,

The proposal will not have significant impacts on surrounding heritage buildings and notwithstanding the comments of Council's heritage officer the proposal is supported in its current form.

(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 proposed tower has an acceptable relationship with existing towers to the west and south. The proposal has been designed with existing development in mind with regard to setbacks and building separation to the south and west of the site. The DRP and Council note that the relationship with existing towers as acceptable.

(v) bulk, massing and modulation of buildings,

The bulk and mass of the building is considered acceptable.

(vi) street frontage heights,

The proposal has a suitable street frontage height, consistent with the emerging character of the area.

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

The proposal meets BASIX targets.

Overshadowing impacts are considered acceptable in the context of the applicable planning controls that anticipate a building of this height and scale.

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

The proposal is not expected to result in adverse reflectivity.

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

The proposal is broadly acceptable with the principles of ecologically sustainable development. The proposal is an efficient use of land in an accessible location. The proposal will not directly impact on environmentally sensitive areas. The proposal satisfies the minimum energy and water efficiency requirements.

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

The proposal is satisfactory regarding access, servicing and parking as discussed under Chapter E3.

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

The proposal will upgrade the footpath along the street frontage, retain the existing street trees and provide additional street tree planting to account for the proposed future road widening.

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

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The proposal has regard to the objectives for development within the City Centre. It will contribute to a residential apartment mix through the provision of additional housing and employment opportunities during construction. It is considered that the development provides for a standard of design, materials and detailing appropriate for the building type and its location and zoning.

The proposal provides a mixture of 2 and 3 bedroom apartments and includes adaptable apartments.. The proposed building is an efficient use of space in an accessible location that is serviced by existing public transport. The proposal is not expected to adversely impact on natural or cultural heritage values.

Clause 8.4 Minimum building street frontage

Clause 8.4(2) provides that *“Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone E2 Commercial Centre, Zone E3 Productivity Support or Zone MU1 Mixed Use.”*

The subject site has a frontage of greater than 20m to Harbour Street.

Building separation within Zone E2 Commercial Centre or Zone MU1 Mixed Use

The objective of this clause is to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. The proposed building setbacks in relation to the requirements of Clause 8.6 are:

- (2) Buildings on land within Zone E2 Commercial Centre or MU1 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.*

The clause allows the building to be built to the boundary up to the street frontage height, and above that requires a 12m building separation from the street frontage height to 45m, and a 28m building separation distance above 45m in height.

The proposal complies with the required building separation requirements to the adjacent developments to the west and south up to 45m above ground level. Above 45m the proposal does not achieve the required 28m separation to the adjacent building (under construction) being 15-19 Crown Street.. A separation of 22.1m is provided (see figure 3 below) which is 5.9m less than the required separation distance (a variation of 21%). The area of non-compliance relates solely to the roof plant areas on the roof levels of both the proposed development and the adjacent building.

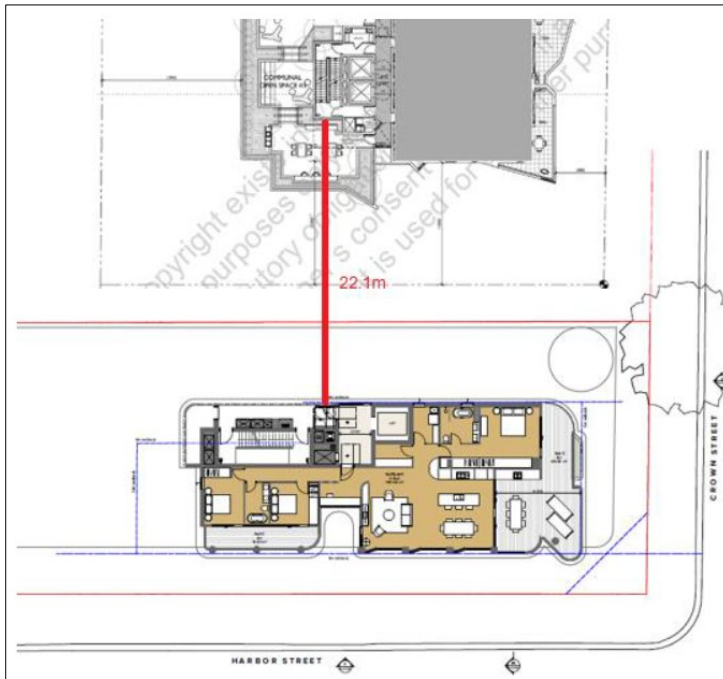


Figure 4: Building separation above 45m height

As indicated above, the building separation is not fully compliant, and the applicant has submitted a Clause 4.6 Variation which forms Attachment 6.

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

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building Separation
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted.
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes The applicant's Clause 4.6 Statement identifies the environmental planning grounds that are considered sufficient to support the development departure to building separation with regard to the specifics of the proposed development and unique site circumstances
4.6 (4) (a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	In summary the justification relies on compliance with the building separation standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development

	<p>is consistent with the objectives of the standard despite the non-compliance.</p> <p><i>The following environmental planning grounds are submitted by the applicant to justify contravening the minimum building separation:</i></p> <ol style="list-style-type: none"> <i>1. The building separation breaches enable the permissible floor space to be distributed to the upper levels of the building, where it provides apartments that will achieve superior amenity to a compliant scheme. The alternative compliant scheme would relocate that permissible floor space to the lower levels of the building, being the podium levels (Ground Levels and Mezzanine Level) that currently contain car parking and servicing areas.</i> <i>2. The subject site is an underdeveloped constrained site in a dense urban location. It is constrained due to its relatively modest size – commensurate to the applicable controls. Insisting on strict compliance with the building separation controls would severely limit any development potential on the site, to the extent that it would be unviable to redevelop the site.</i> <i>3. The part of the proposed development that is located at 45m and above is limited to roof plant. There will be no impact on privacy or solar access of adjoining property arising from the minor breach of the 28m building separation distance.</i> <i>4. The proposed building separation non-compliances will not inhibit the future development potential of any adjoining sites. The subject site is last remaining undeveloped site located within the block bound by Crown Street, Harbour Street, Burelli Street and Corrimal Street.</i> <i>5. The scale and form of the proposed development is consistent with the scale and form of other recent developments approved in Wollongong City Centre. As such, despite the numerical non-compliance relating to building separation, the variation will not result in a development that out of character with the emerging character of this part of the City Centre and the proposed development exhibits design excellence.</i> <i>6. The proposal provides for a floor space ratio which complies with the maximum permitted under Clause 4.4A of WLEP 2009 and accordingly, the building separation non-compliance is not associated with additional density beyond what is expected by the controls or planned for the locality.</i>
--	---

	<p>7. <i>It is considered that there is an absence of any impact of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character. Specifically:</i></p> <ul style="list-style-type: none"> - <i>The extent of the non-compliance creates no additional adverse overshadowing to adjoining properties, with all neighbouring properties provided with compliant levels of solar access as prescribed by WDCP 2009;</i> - <i>The proposed apartments will receive excellent levels of cross ventilation and solar access, compliant with the ADG requirements;</i> - <i>The building separation non-compliance does not result in any additional privacy impacts.</i> - <i>The building separation does not result in any additional view loss. No significant or iconic views are provided through the site and the proposed development will not result in any loss of views or outlook when compared to a building with a compliant building setbacks.</i>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The objectives of Clause 8.6 Building separation within Zone E2 Commercial Core or Zone MU1 Mixed Use are:</p> <p><i>(1) The objectives of the standard are to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</i></p> <p>The objectives for development within the MU1 Mixed Use zone are:</p> <ul style="list-style-type: none"> • <i>To provide a mixture of compatible land uses.</i> • <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> • <i>To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.</i> <p>The development is considered to respond to the objectives of this clause despite the variations. The proposed development will be in the public interest because it is consistent with the objectives of the building separation standard and the objectives for development within the MU1 mixed use zone.</p> <p>The proposed development achieves FSR and height controls, and the massing and modulation of the building will not result in unreasonable loss of amenity</p>

	<p>to adjoining properties. The building is not expected to compromise the development potential of neighbouring sites and provides for an acceptable relationship with adjacent buildings in Crown, Harbour/Burelli Streets, and provide a mixture of residential and commercial development in close proximity to public transport and services.</p> <p>The visual appearance is consistent with the desired urban form of the surrounding area; there will be no privacy impacts and the departure will not have any adverse impacts on the amenity of nearby developments, the streetscape or public domain. There will be no additional overshadowing impacts arising from the development departure, no view impacts, no privacy impacts, no adverse impacts on the streetscape or any heritage items.</p> <p>The Design Review Panel supports the proposed setbacks.</p> <p>There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard.</p>
(b) the concurrence of the Secretary has been obtained	<p>The concurrence of the Secretary can be assumed in accordance with the Department of Planning Circular PS 18-003 'Variations to development standards', dated 21 February 2018.</p> <p>The Secretary can be assumed to have given concurrence if the matter is determined by a local planning panel in accordance with the Planning Circular</p>

Clause 8.7 Shops in Zone B4 Mixed Use

The objective of the clause is to limit the size of shops in MU1 (B4) Mixed Use to ensure that land within Zone E2 Commercial Centre remains the principal retail area. Development consent must not be granted for development for the purpose of a shop on land in Zone MU1 Mixed Use if the gross floor area of the shop is to be more than 400 square metres.

None of the proposed retail/commercial premises exceeds this standard.

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

Not applicable

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. A full compliance table is provided as **Attachment 8**.

A variation to the building separation requirements of the DCP is proposed and this has been addressed as part of the Clause 4.6 Variation in respect of building separation required by Clause 8.6 of WLEP 2009.

Wollongong City Wide Development Contributions Plan

City-Wide Contributions Plan – City Centre

DEVELOPMENT CONTRIBUTIONS

Wollongong City-Wide Development Contributions Plan - City Centre

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development.

- The proposed cost of development* is over \$250,001 – a levy rate of 2% applies:

Contribution Amount = Cost of Works \$13,970,000 x 2% levy rate = \$279,400

Note: The proposed cost of development is calculated in accordance with clause 25J of the EP&A Regulations, however if a separate cost estimate is not provided with the DA, use the cost of works stated on the application.*

The Housing and Productivity Contribution levy came into effect on 1 October 2023, the application was lodged before this date and the levy does not apply.

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 agreements 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)

Environmental Planning and Assessment Regulation 2021

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

2000 Regulation means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

6 Determination of BASIX development

A BASIX Certificate has been provided.

61 Additional matters that consent authority must consider

Conditions of consent are recommended with regard to demolition.

62 Consideration of fire safety

Not applicable.

63 Considerations for erection of temporary structures

Not Applicable.

64 Consent authority may require upgrade of buildings

Not applicable

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

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

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

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

Context and setting have been addressed with reference to the principles of SEPP 65 and the design excellence matters prescribed by Clause 7.18 of Wollongong LEP 2009 (see Sections 2.1.2 and 2.1.5) and in relation to the impact of the proposed development on nearby heritage items. The development is considered to appropriately respond to its setting.

The immediate neighbourhood to the south and west consists of development of a similar scale and density to the current proposal. To the east of the site is an entertainment precinct and to the north a school and church. The proposal is not considered to adversely impact these facilities. The proposed height and floor space ratio are consistent with planning controls and more recent development in the vicinity.

The development has responded to matters raised by the Design Review Panel

The proposal is considered acceptable with regard to the likely impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Two submissions received. The matters raised have been considered in Section 1.5 of this report.

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

The application is not expected to result in significant adverse impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area is satisfactory with regard to the applicable planning controls. Submissions raised following notification do not warrant redesign and internal and external referrals are satisfactory subject to appropriate conditions of consent. Approval of the proposal is consistent with the public interest..

3 CONCLUSION

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

The proposal does not fully comply with the building separation development standards under WLEP 2009. The applicant has followed the process set out in clause 4.6 of WLEP 2009 and adequately justified the development standard departures. The proposal also involves variations under WDCP2009. This variation request has likewise been assessed as reasonable. The character and form of the development is consistent with the zoning and reasonably responds to the surrounding context and the applicable controls.

The recommendations of the Design Review Panel have been adopted in the revised plans and matters raised by the Panel are satisfactorily resolved.

Submissions raised during public exhibition have been considered at section 1.5. The development is of a scale that will have some impacts from surrounding properties. However, these impacts arise from a built form outcome that is largely anticipated by the current controls and consistent with existing surrounding development particularly to the south and west, refusal, or redesign of the development is not warranted on this basis.

Internal and external referrals are generally satisfactory subject to conditions of consent. The application is considered acceptable with regard to the likely impacts as discussed above. It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

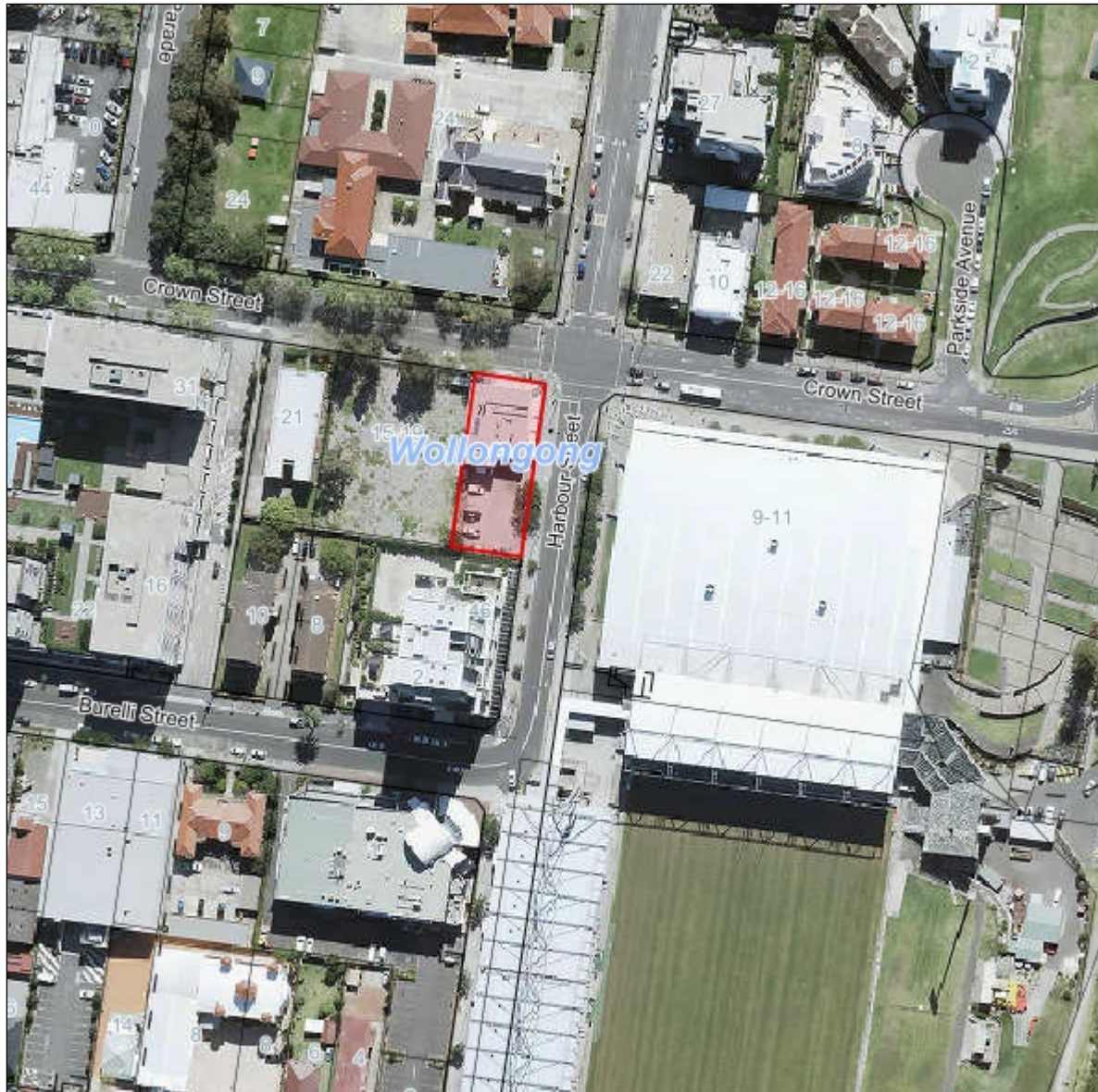
4 RECOMMENDATION

There being no outstanding issues, approval of application DA-2023/124 is recommended subject to appropriate conditions of consent.

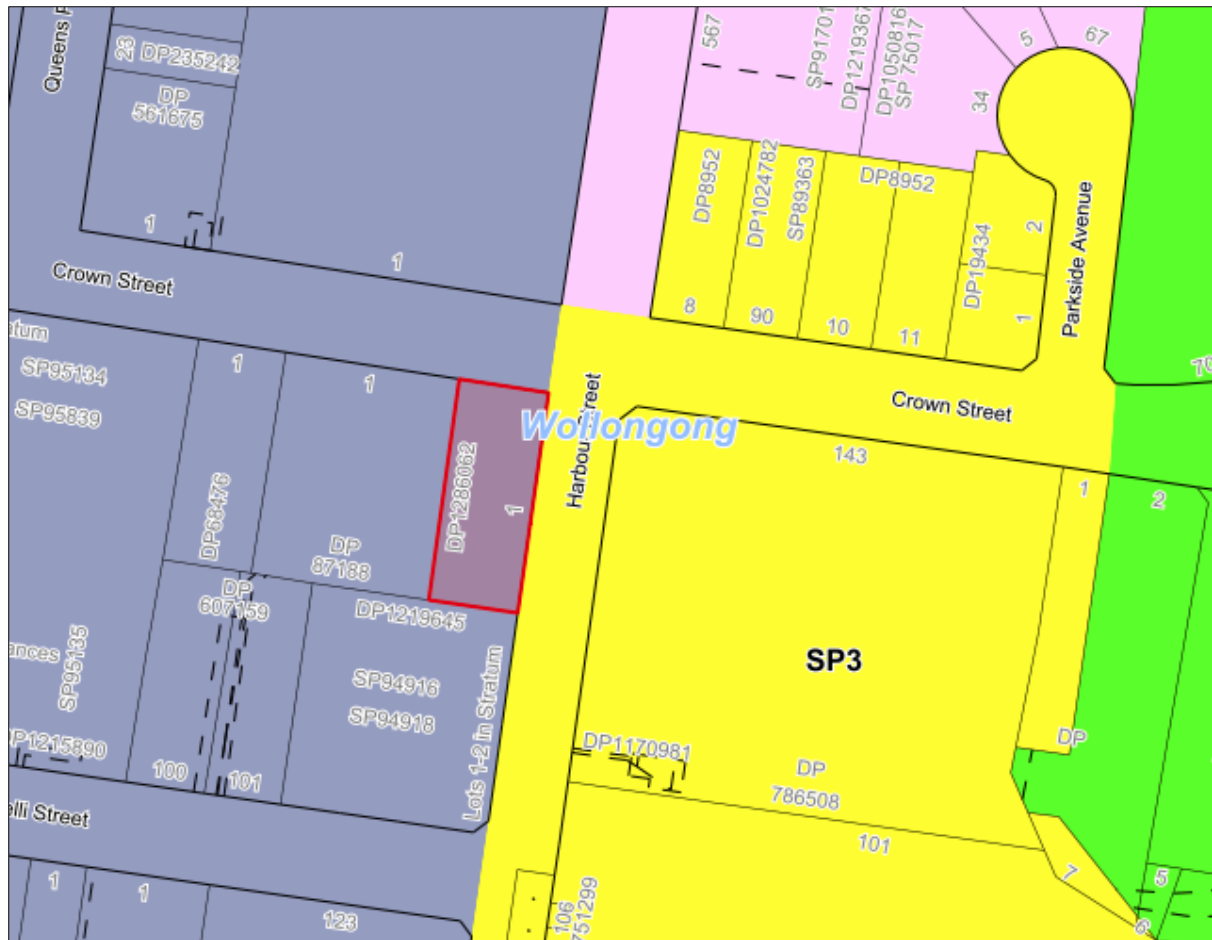
ATTACHMENTS

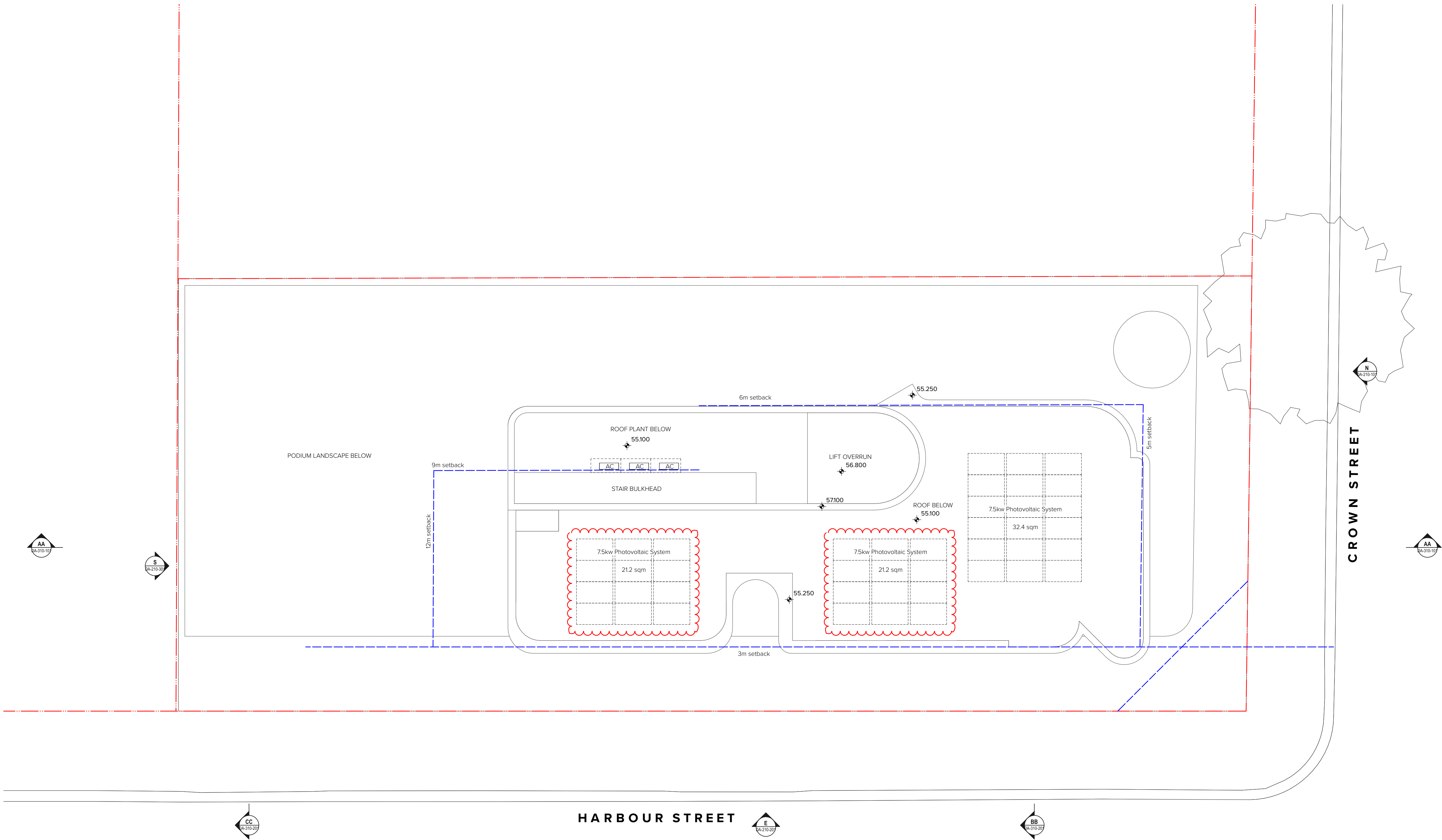
- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 DRP Notes
- 5 Shadow Diagrams/ Sun's Eye Diagrams
- 6 ADG Compliance Table
- 7 Clause 4.6 Variation – Building Separation
- 8 WDCP Assessment
- 9 Draft conditions of consent

ATTACHMENT 1 – Aerial Photo



Attachment 2 – WLEP 2009 Zoning





NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. INFORM TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION. DWG, IFC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

DLCS Quality Endorsed Company ISO 9001:2015, Registration Number 20476
Notwithstanding to whomsoever, 4000, 4000-004-004-001

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Roof Plan

Scale
1:100 @A1, 50% @A3

Project No.
22030

Drawn by
TURNER

Status
For Information

Dwg No.
DA-110-001

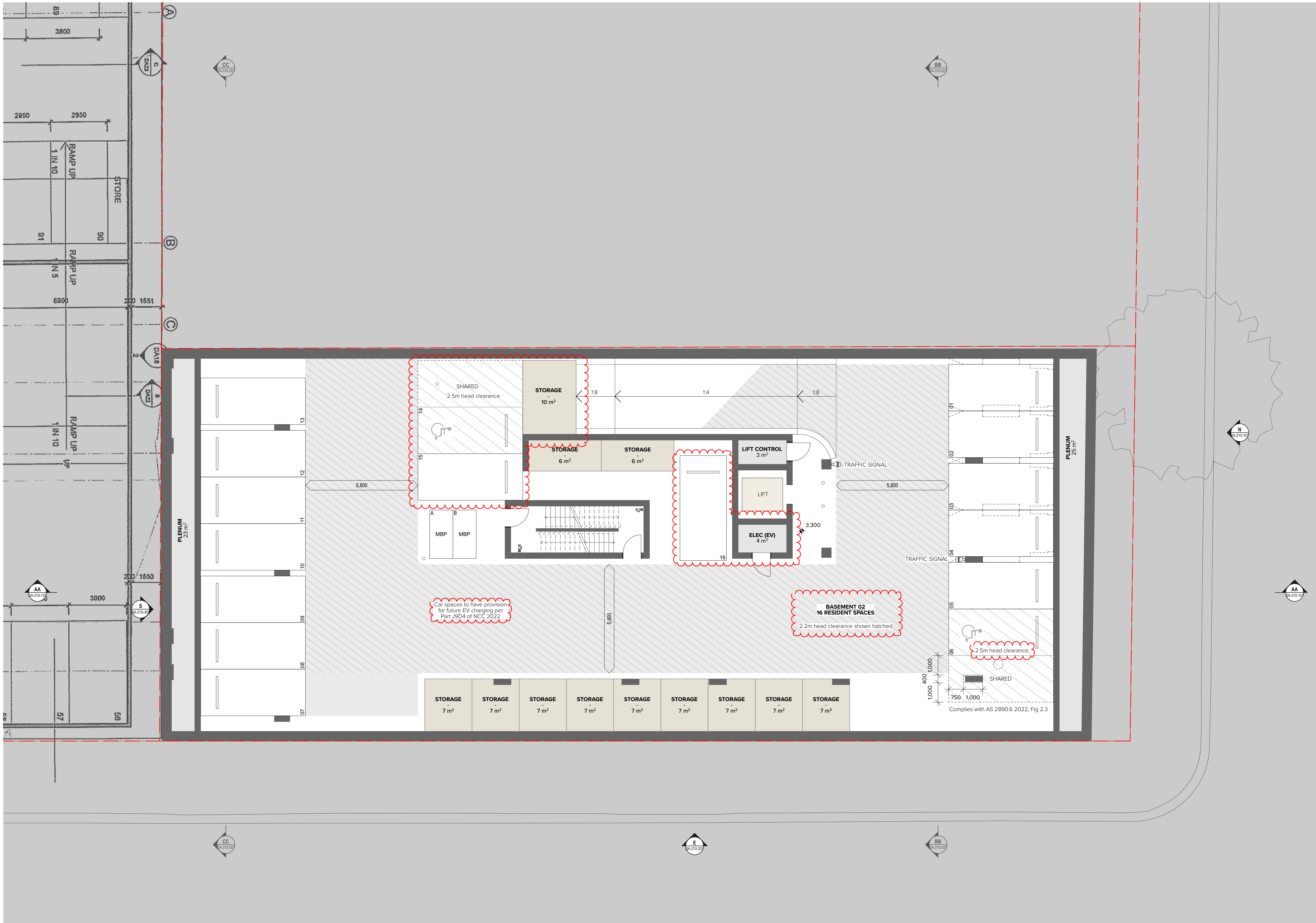
Rev
N

North
→

TURNER

Level 7 ONE Oxford Street
Sydney NSW 2010
AUSTRALIA

T +61 2 8668 0000
F +61 2 8668 0088
turner@turner.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM) FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Basement 02

Scale
1:100 @A1, 50% @A3

Project No.
22030

Drawn by
TURNER

Status
Rev N

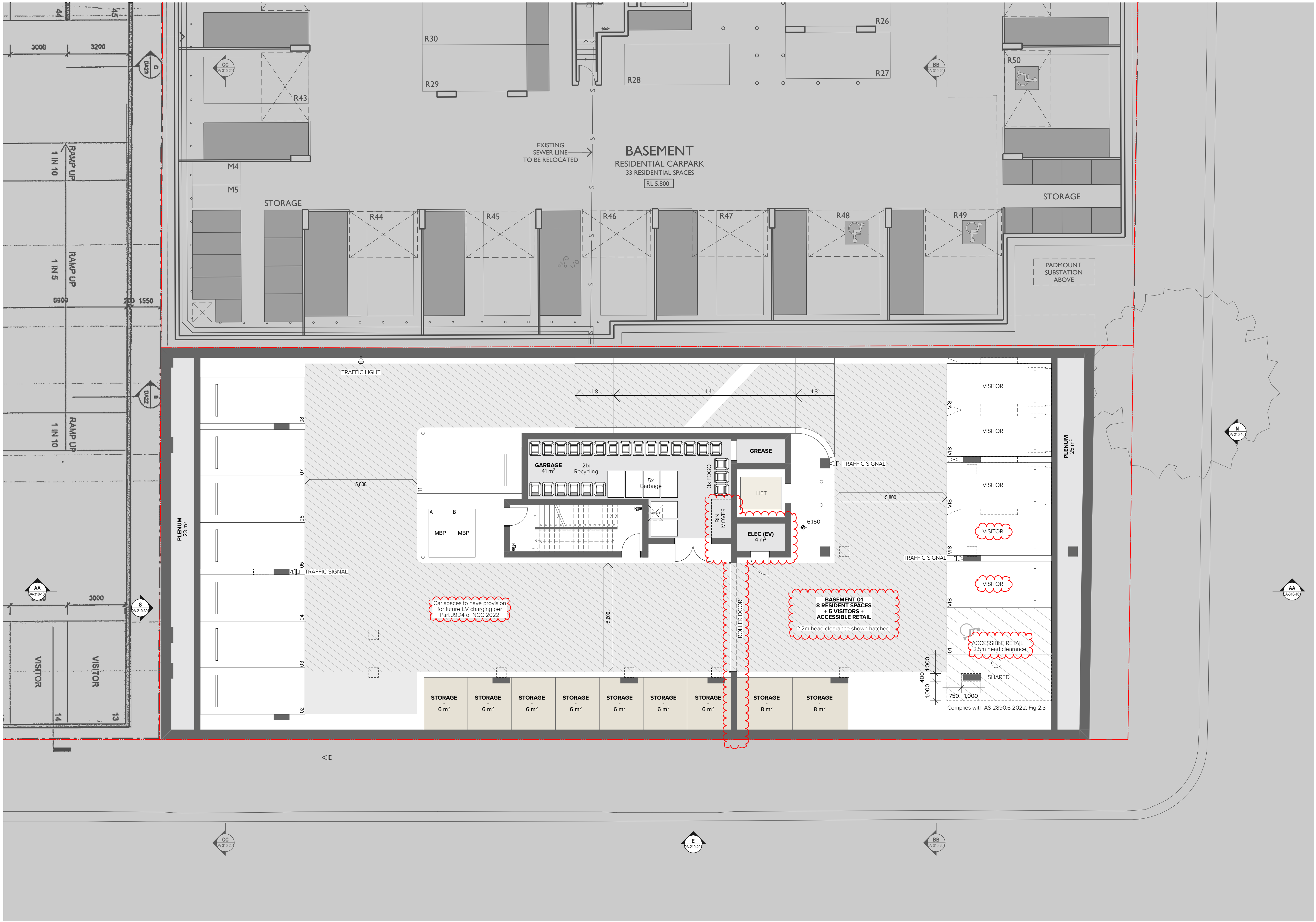
Dwg No.
DA-110-006

For Information

TURNER

Level 7 ONE Oxford Street
Darlinghurst NSW 2010
AUSTRALIA

T +61 2 8668 0000
F +61 2 8668 0068
turner@tdo.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY).

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	08/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Basement 01

Scale
1:100 @A1, 50% @A3

Project No.
22030

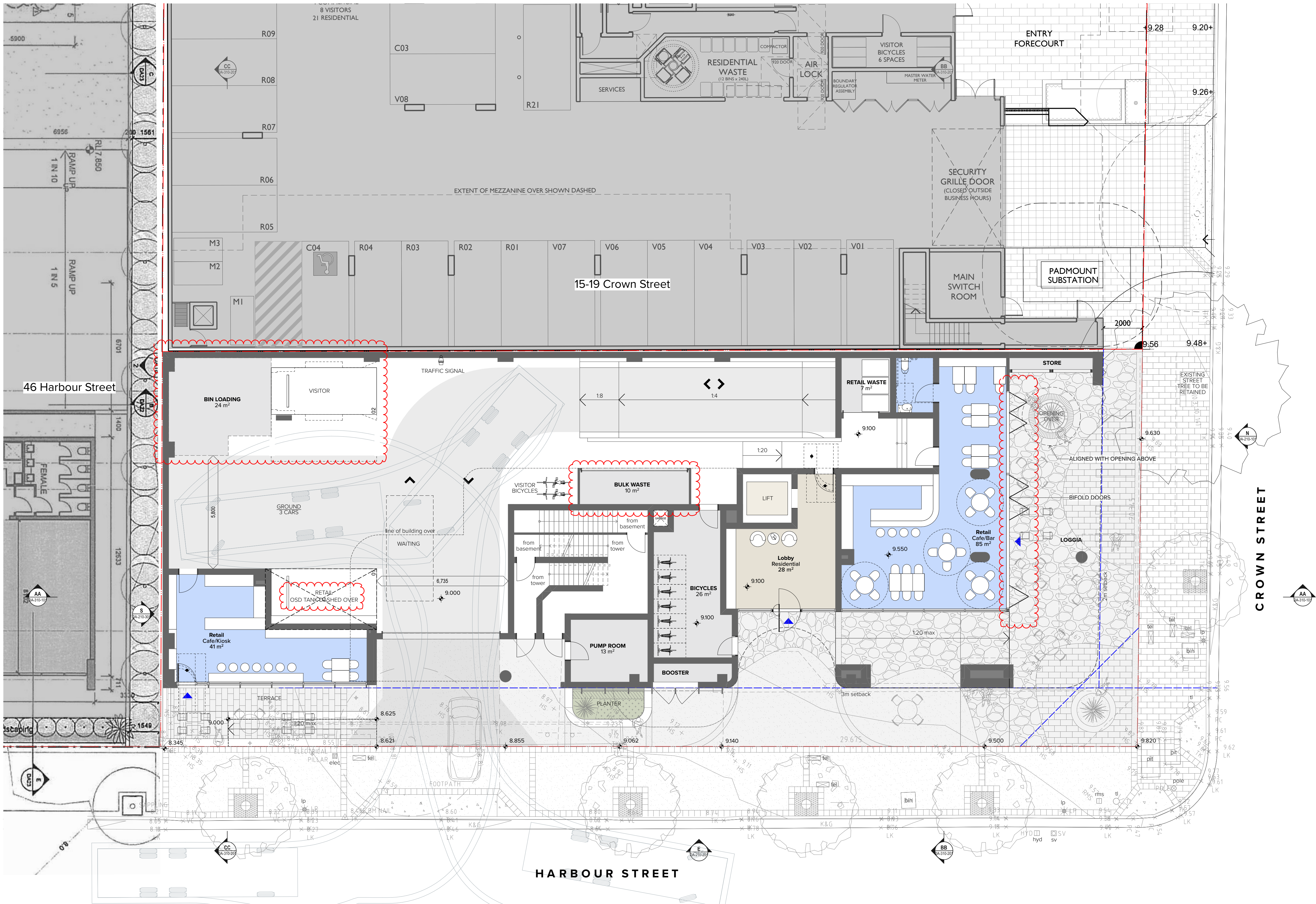
Drawn by
TURNER

North
N

TURNER

Level 7 ONE Oxford Street
Darlinghurst NSW 2010
AUSTRALIA

T +61 2 8668 0000
F +61 2 8668 0088
turner@turner.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM) FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	08/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Ground Level

Scale
1:100 @A1, 50% @A3

Project No.
22030

Drawn by
TURNER

Status
For Information

Dwg No.
DA-110-008

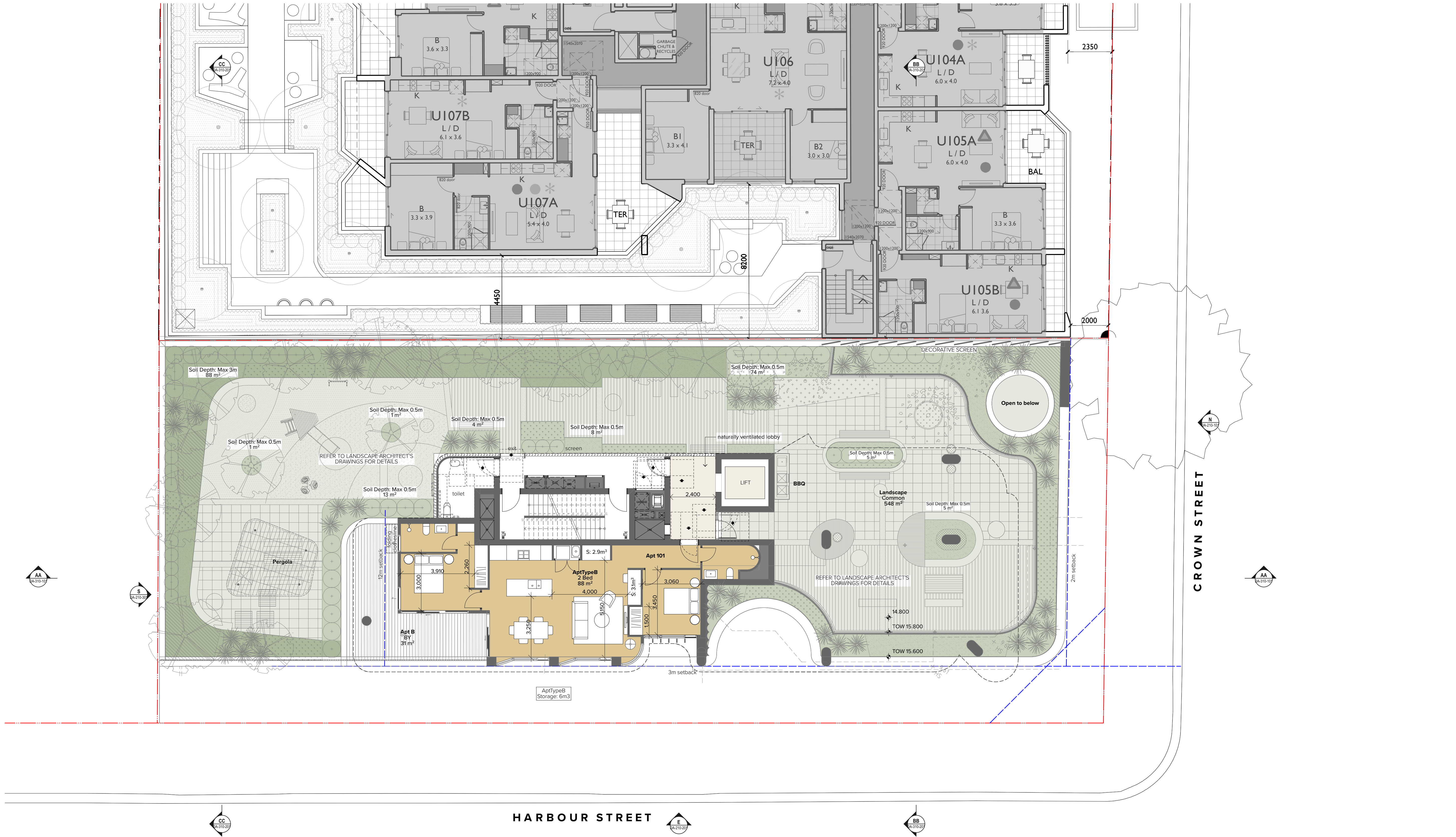
Rev
N

North

TURNER

Level 7 ONE Oxford Street
Sydney NSW 2010
AUSTRALIA

T +61 2 8688 0000
F +61 2 8688 0088
turner@turner.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY).

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Level 01

Scale
1:100 @A1, 50% @A3

Project No.
22030

Drawn by
TURNER

Status
For Information

Dwg No.
DA-110-010

Rev
N

North
→

TURNER

Level 7 ONE Oxford Street
Sydney NSW 2010
AUSTRALIA

T +61 2 8668 0000
F +61 2 8668 0088
turner@tda.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM) FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	08/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Level 02

Scale
1:100 @A1, 50% @A3

Project No.
22030

Drawn by
TURNER

Status
For Information

Dwg No.
DA-110-020

Rev
N

North
→

TURNER

Level 7 ONE Oxford Street
Sydney NSW 2010
AUSTRALIA

T +61 2 8688 0000
F +61 2 8688 0088
turnerstudio.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION. DWG, PC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Level 03-10

Scale
1:100 @A1, 50%@A3

Project No.
22030

Drawn by
TURNER

Status
For Information

Dwg No.
DA-110-030

Rev
N

North
→

TURNER

Level 7 ONE Oxford Street
Sydney NSW 2010
AUSTRALIA

T +61 2 8668 0000
F +61 2 8668 0088
turner@turner.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY).

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	08/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Level 11

Scale
1:100 @A1, 50%@A3

Status
For Information

Project No.
22030

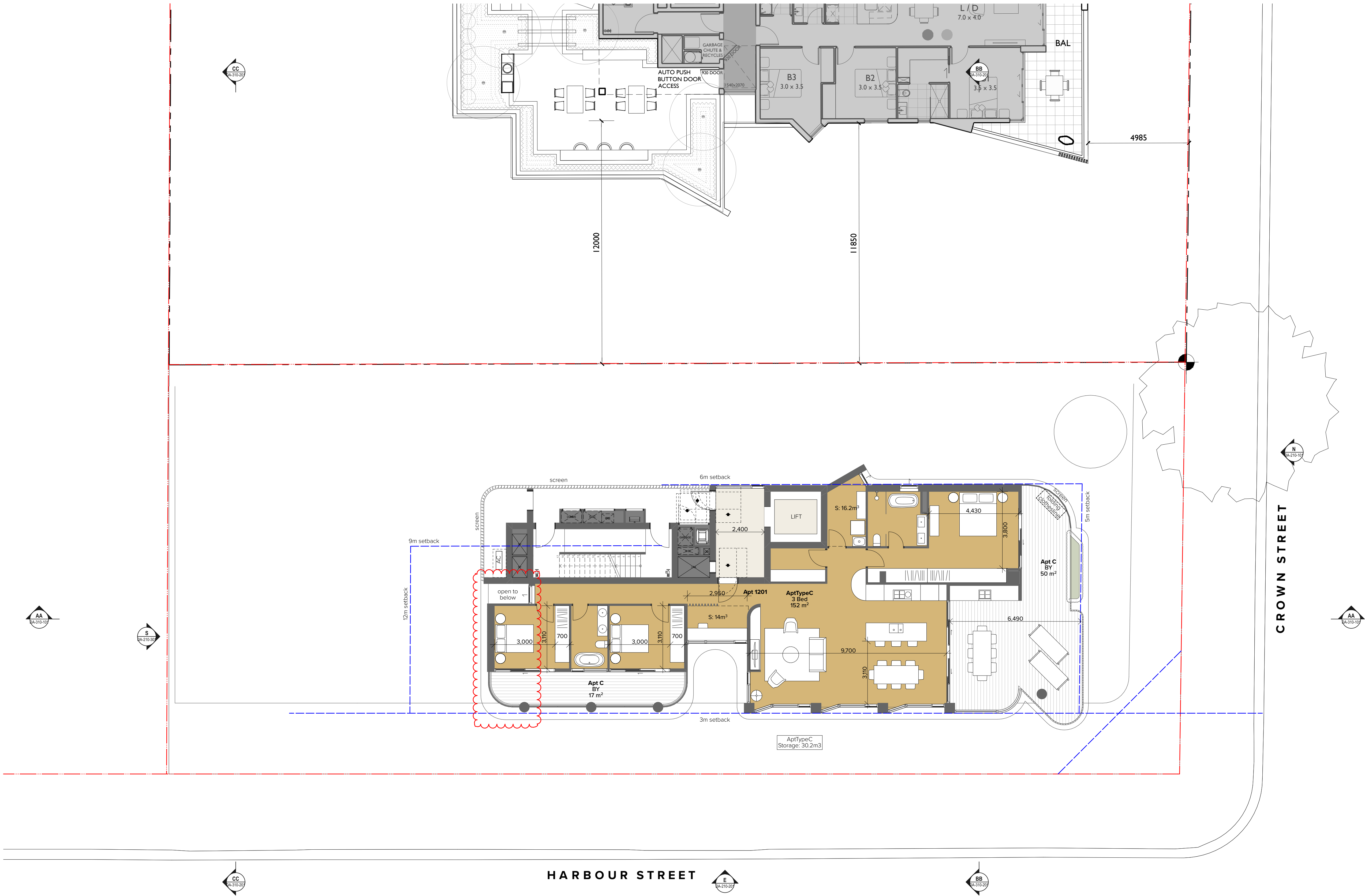
Dwg No.
DA-110-110

Drawn by
TURNER

Rev
N

North
→

TURNER



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. NOTIFY TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM) FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Plans
Level 12-13

Scale
1:100 @A1, 50% @A3

Status
For Information

Project No.
22030

Dwg No.
DA-110-120

Drawn by
TURNER

Rev
N

North
→

TURNER

Level 7 ONE Oxford Street
Sydney NSW 2010
AUSTRALIA

T +61 2 8668 0000
F +61 2 8668 0088
turnerstudio.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM) FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLCS Quality Endorsment Company ISO 9001:2015, Registration Number 23476
Notwithstanding to Nicholas Turner 6055 4894 99 994 994 971

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU
Drawing Title
GA Elevations
North Elevation

Scale
1:100 @A1, 50% @A3
Status
For Information
Project No.
22030
Dwg No.
DA-210-101
Drawn by
TURNER
Rev
N

TURNER
Level 7 ONE Oxford Street
Darlinghurst NSW 2010
AUSTRALIA
T +61 2 8668 0000
F +61 2 8668 0066
turner@tda.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM) FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

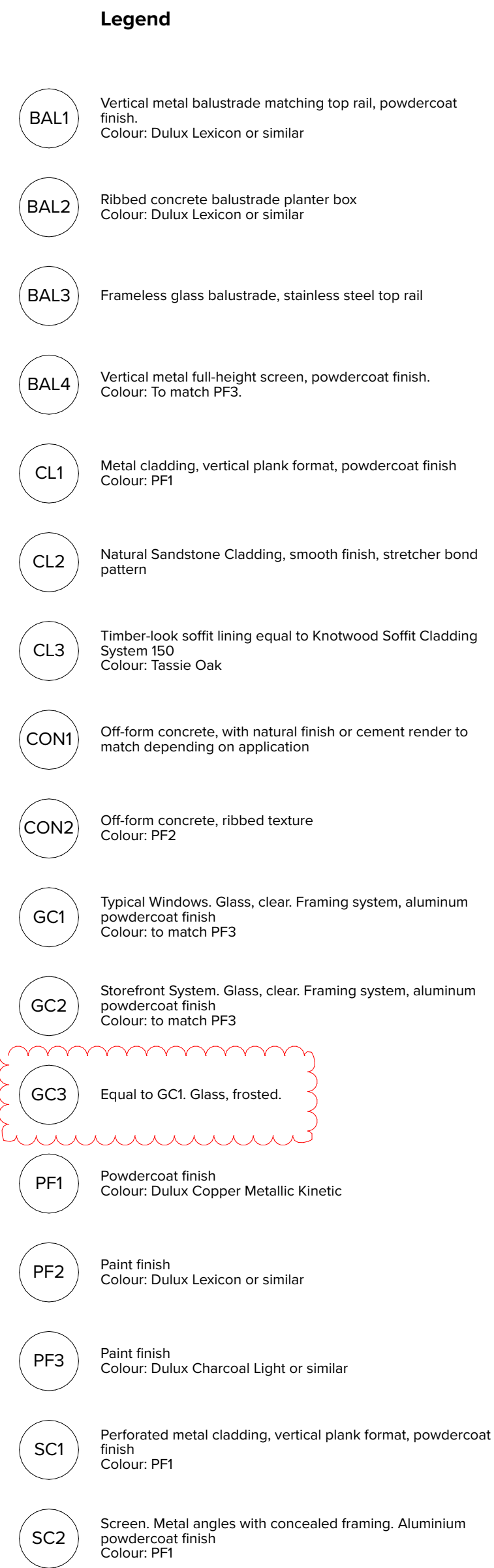
Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU
Drawing Title
GA Elevations
East Elevation

Scale
1:100 @A1, 50%@A3
Status
For Information

Project No.
22030
Dwg No.
DA-210-201
Drawn by
TURNER
Rev
N

TURNER

Level 7 ONE Oxford Street
Darlinghurst NSW 2010
AUSTRALIA
T +61 2 8668 0000
F +61 2 8668 0066
turnerstudio.com.au



Level 7 **ONE** Oxford Street
Darlinghurst NSW 2010
AUSTRALIA



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY).

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU

Drawing Title
GA Elevations
West Elevation

Scale
1:100 @A1, 50% @A3

Project No.
22030

Drawn by
TURNER

North

Dwg No.
DA-210-401

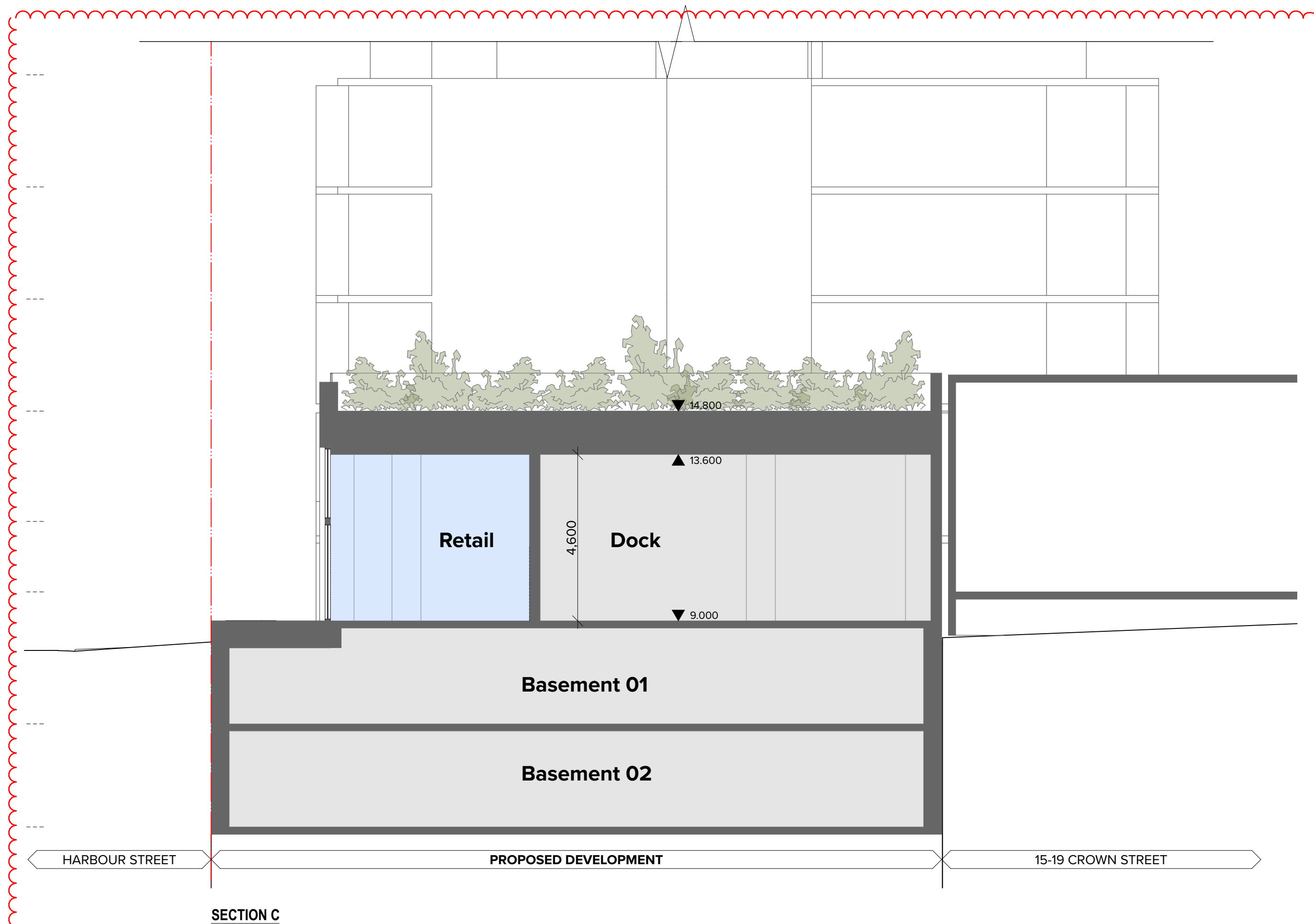
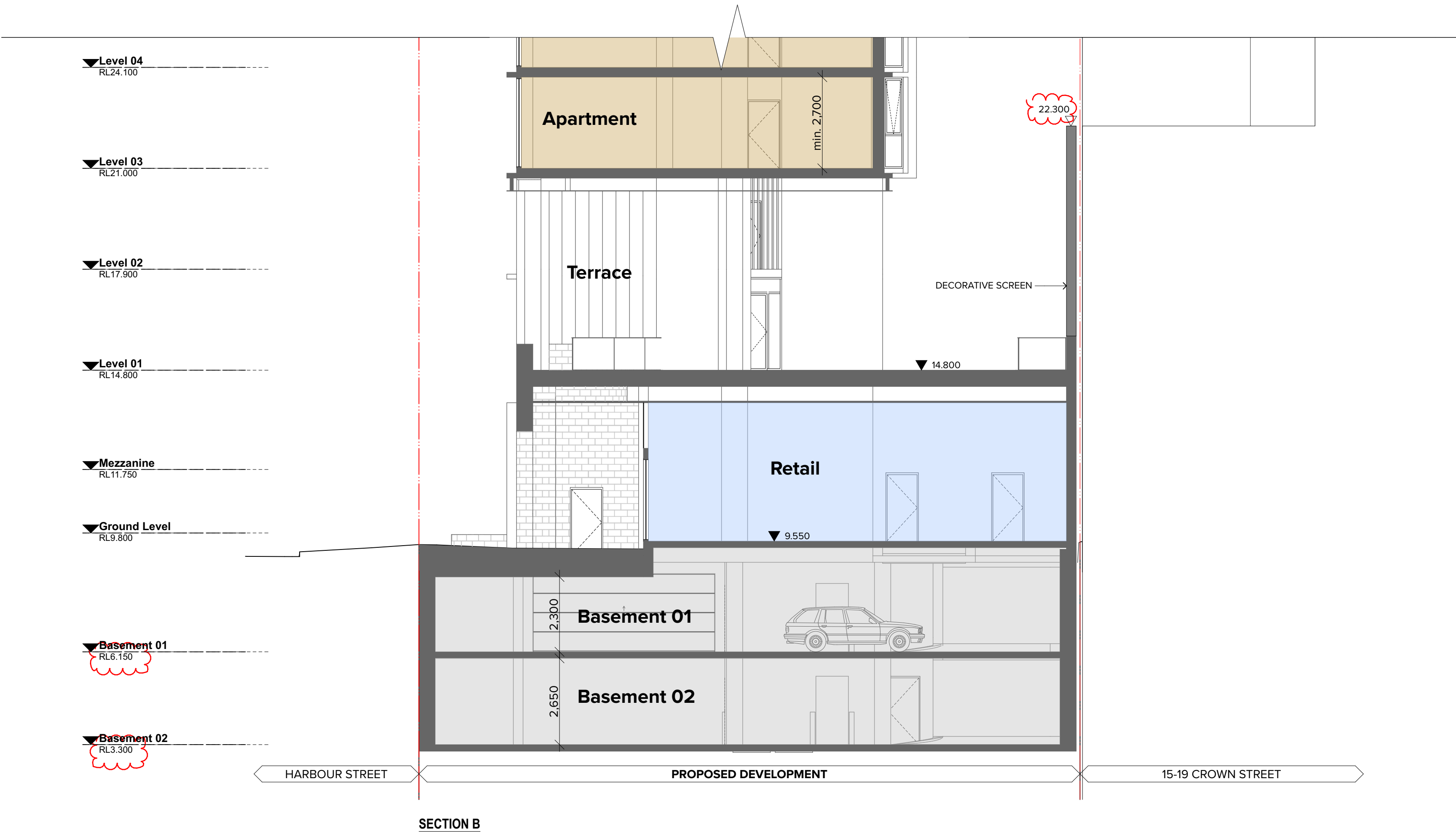
Rev
N

For Information

TURNER

Level 7 ONE Oxford Street
Darlinghurst NSW 2010
AUSTRALIA

T +61 2 8668 0200
F +61 2 8668 0268
turner@tda.com.au



NOTES
THIS DRAWING IS COPYRIGHT © OF TURNER. NO REPRODUCTION WITHOUT PERMISSION. UNLESS NOTED OTHERWISE, THIS DRAWING IS NOT FOR CONSTRUCTION. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK. REPORT TURNER OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK. DRAWINGS ARE NOT TO BE SCALED. USE ONLY FIGURED DIMENSIONS. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION (DWG, PC AND BIM FILES ARE UNCONTROLLED DOCUMENTS AND ARE ISSUED FOR INFORMATION ONLY).

DLCS Quality Endorsed Company ISO 9001:2015, Registration Number 20476
Notwithstanding to the extent that the client has agreed to the terms and conditions of the client's standard terms and conditions of sale.

CLIENT
LEVEL 33
30a Eva Street Riverwood NSW 2210 AU

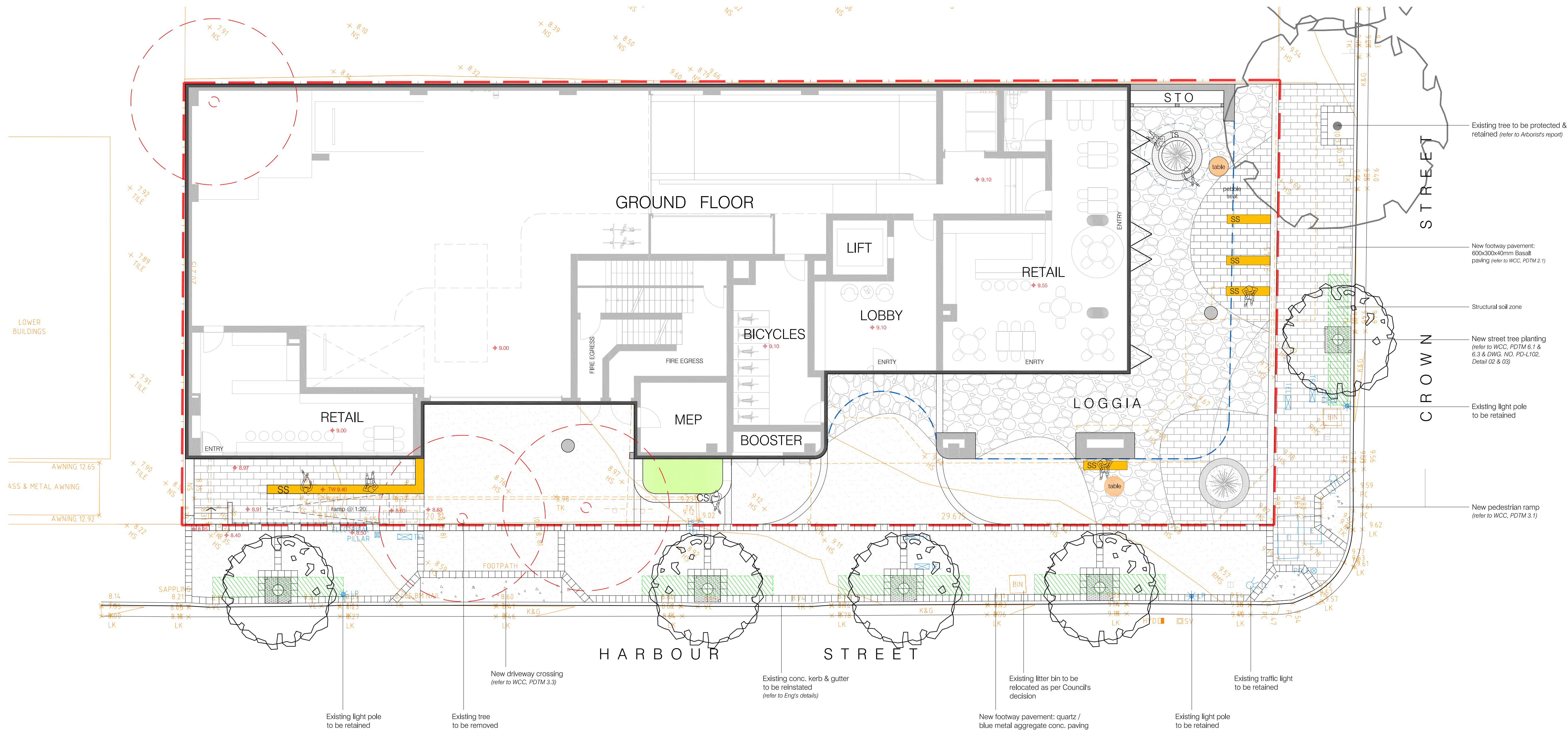
Rev	Date	Approved by	Revision Notes
J	30/11/22	AM	DA Submission
K	02/03/23	AM	DA Submission
L	11/07/23	AM	DA Submission
M	06/10/23	AM	DA Submission
N	25/10/23	AM	DA Revisions

Project Title
13 Crown St Wollongong
13 Crown St Wollongong NSW 2500 AU
Drawing Title
GA Sections
Section B & C

Scale
1:100 @A1, 50% @A3
Status
For Information
Project No.
22030
Dwg No.
DA-310-201
Drawn by
TURNER
Rev
N

TURNER

Level 7 ONE Oxford Street
Darlinghurst NSW 2010
AUSTRALIA
T +61 2 8668 0000
F +61 2 8668 0088
turnerstudio.com.au



PUBLIC DOMAIN PLAN: crown street

scale: 1:100 @ A1

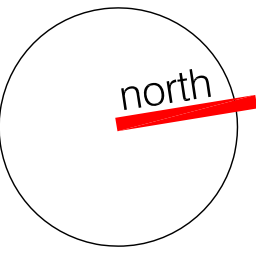
LEGEND

- Proposed street tree planting (refer to Council's specification)
- Existing street trees to be protected & retained (refer to Arborist's report)
- Existing trees to be removed (refer to arborist's report)
- Proposed basalt paving (600x300x40mm, as per WCC, PD TM 2.1)
- Proposed quartz / blue metal aggregate conc. paving (as per WCC, PD TM 2.3)
- Proposed driveway crossing (as per WCC, PD TM 3.3)
- Proposed tree grate (1200x1200mm) (as per WCC, PD TM 2.2)
- Existing conc. kerb & gutter to be reinstated (refer to Eng's Detail)
- Proposed planting bed
- Structural soil zone (refer to Detail)
- Existing light poles, traffic light & communication pits to be retained
- Site boundary

STRUCTURAL SOIL SPECIFICATION
Structural soil mix shall be a thoroughly combined mix of 4 parts aggregate to 1 part filler soil mix as described below.
Aggregate shall be 40mm crushed and washed high strength blue metal or granite gravel. Gravel shall be clean and free from clay and other matter.
Submit sample for Approval.
The aggregate shall have the following particle size distribution:
AS Sieve Percent Passing
53.0 100
37.5 90-100
26.5 0-75
19 <15
13.2 <2
9.5 <2
6.7 <2
4.75 <2
Filler Soil shall be a thoroughly combined mix of 1 part sandy loam to 1 part dolerite with the following properties:
Organic Matter <1% by weight, PH in water 5.5 – 6.5, Electrical Conductivity 1.2 dS/m, Ammonium 20-200mg/kg, Phosphorous 10-50mg/kg



13 Crown Street, WOLLONGONG NSW



dwg title	scale: 1:100 @a1	revision	date
public domain plan:	dwg no.: DA-PD-101	P co-ordination	09/11/22
crown st	Client: LEVEL 33	A da submission	21/11/22
		B da amendments	06/09/23
		C da amendments	26/10/23

Do not scale off this drawing. Use figured dimensions only. Resolve discrepancies with The Landscape Architect before proceeding. Copyright of this drawing and designs executed remains vested in CANVAS landscape architects. Copyright remains with the Landscape Architects. Reproduction of this document is not permitted without the approval of the Landscape Architect. Contractors to verify site conditions and dimensions



Tree Pit Requirements:
Tree Grate: Duraplate Paseo by Citygreen, 1200mm x 1200mm with integrated watering inlet model no. RRPREC-ALU (or approved equivalent)
Tree Guard: Coniston by Citygreen, 1800mm high x 600mm diameter (or approved equivalent).



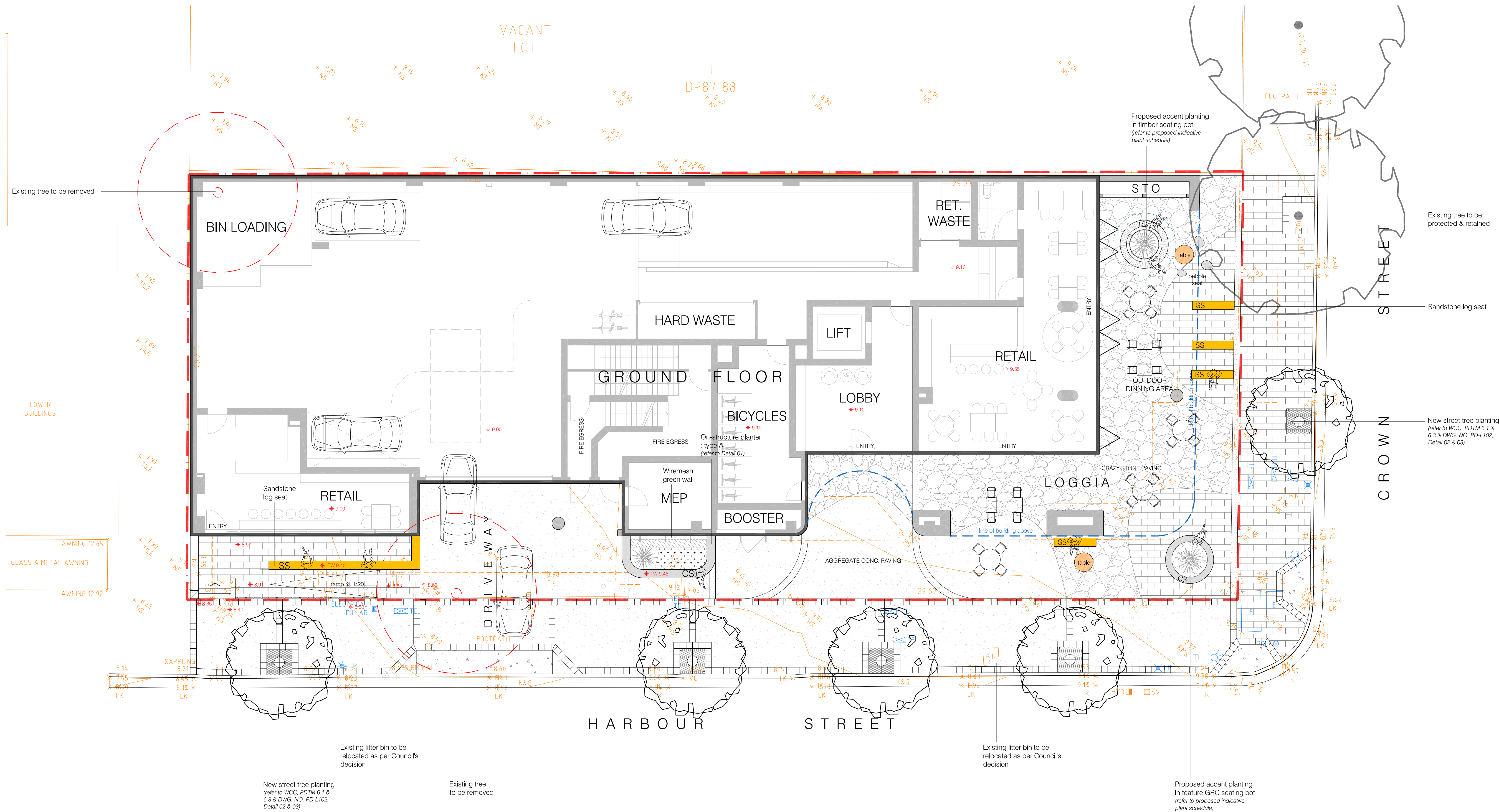
Tree Pit Requirements:
 Tree Grate: Duraplate Paseo by Citygreen, 1200mm x 1200mm with integrated watering inlet model no. RRPPEC-ALU (or approved equivalent)
 Tree Guard: Coniston by Citygreen, 1800mm high x 600mm diameter (or approved equivalent).



Structural Design Requirements:
See Wollongong City Council Engineering Standard Drawings, Drawing no. 7000_C26_A



SUB SOIL DRAINAGE
Ensure positive drainage to all tree pits prior to backfilling. Install sub-soil drainage lines and connect to available stormwater system. Notify the Certifying Authority, giving two days notice for inspection of drainage operation prior to backfilling.

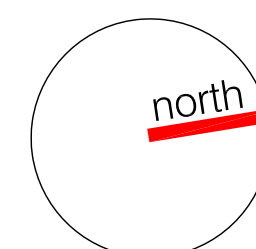


LANDSCAPE PLAN: ground floor scale: 1:100 @ A1



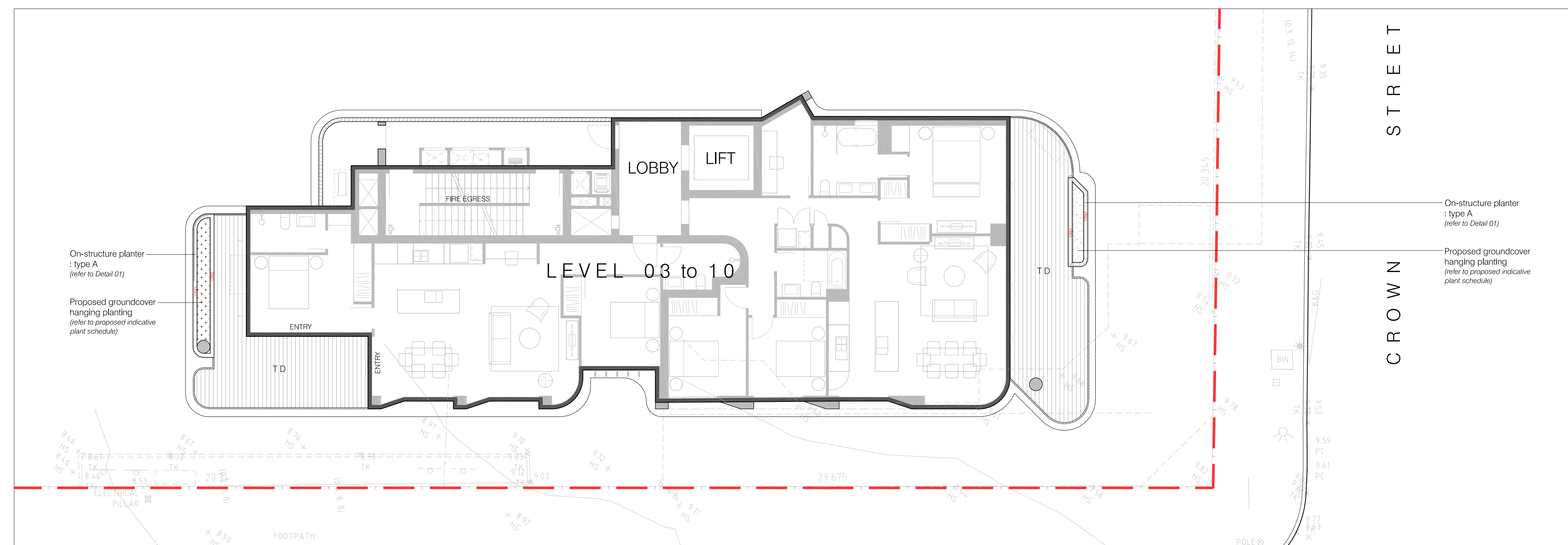
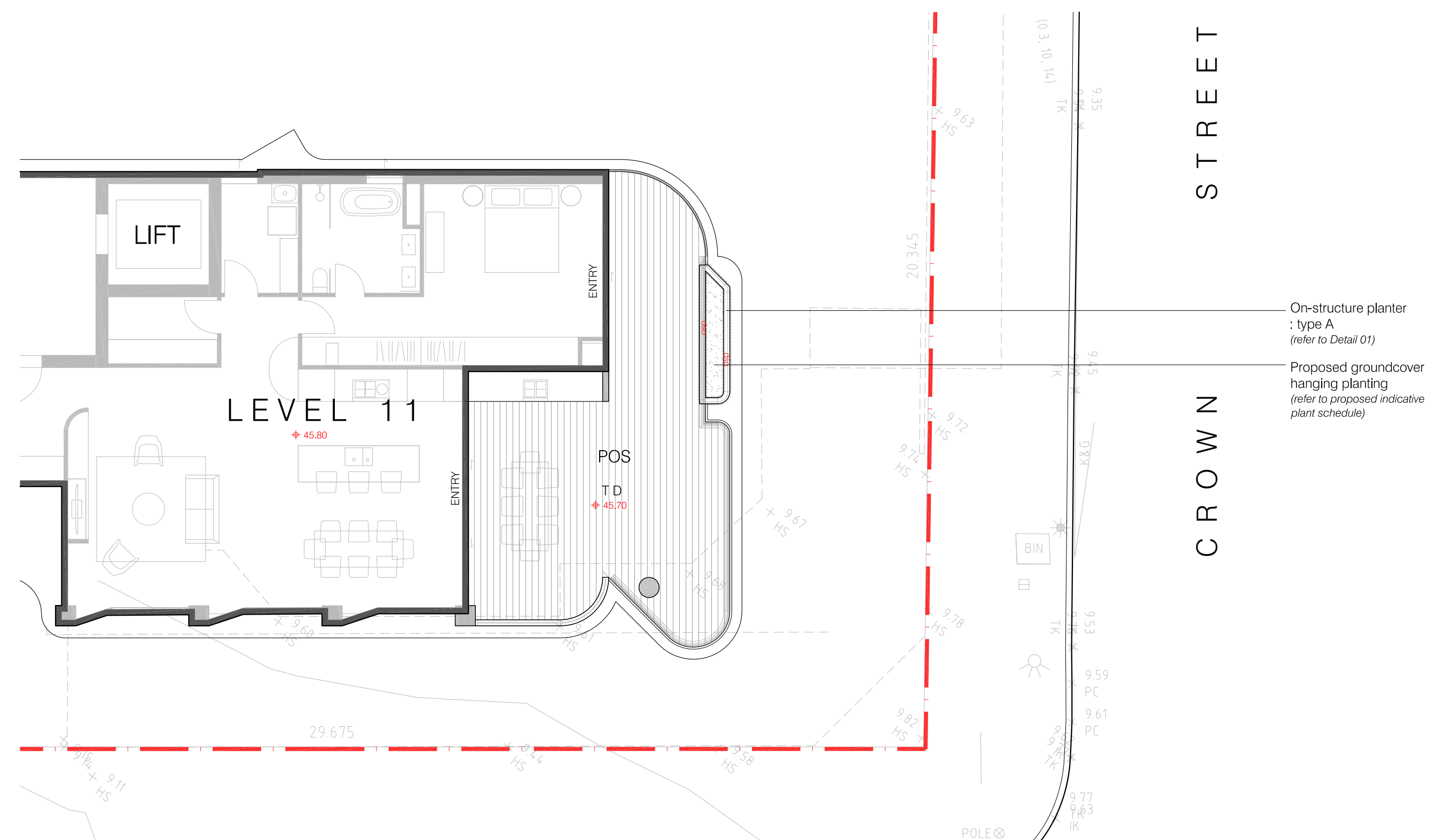
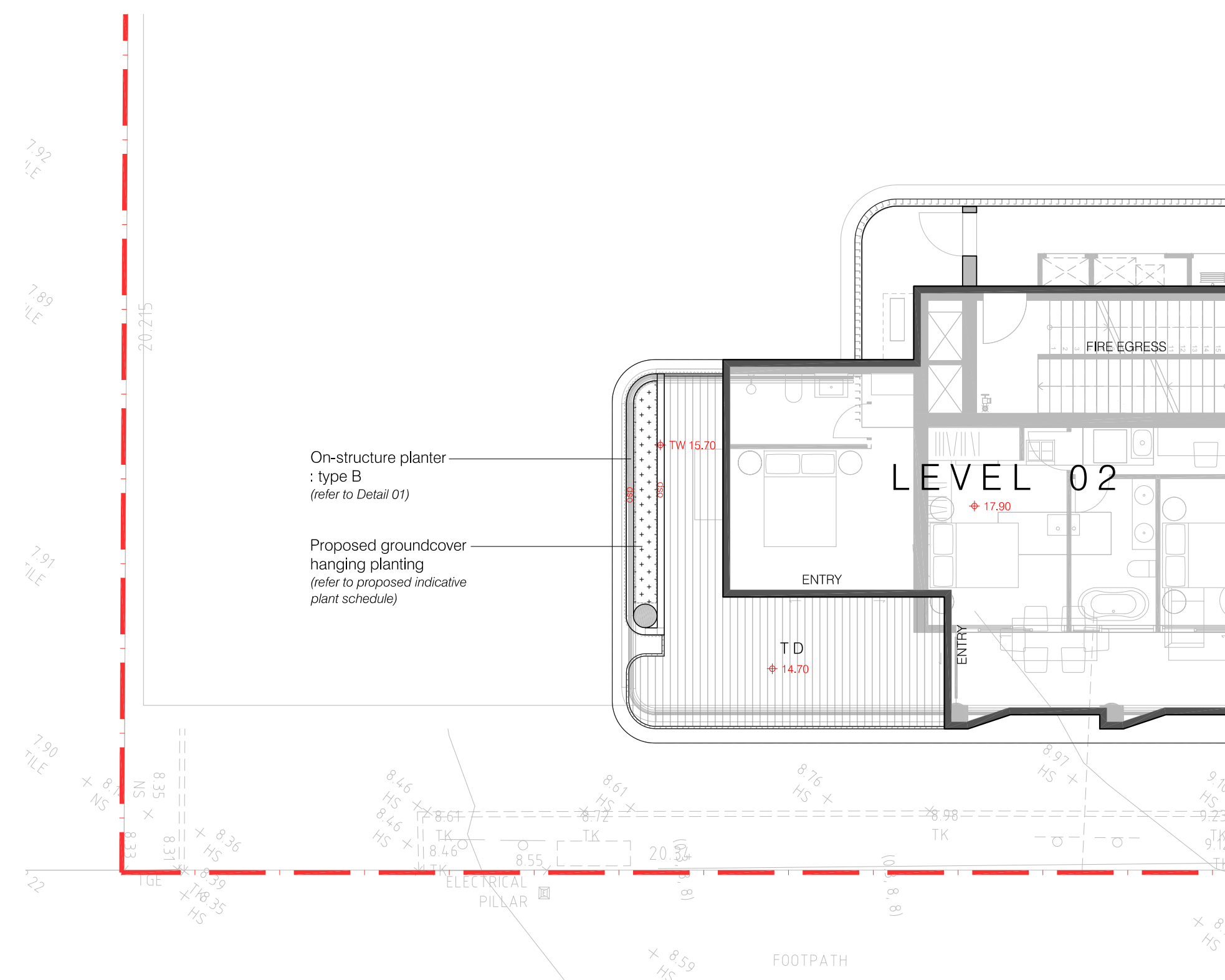
membership # 001353
mob: 0401 352 334
email: kobby@canvaslandscape.com.au

13 Crown Street, WOLLONGONG NSW



Do not scale off this drawing. Use figured dimensions only. Resolve discrepancies with The Landscape Architect before proceeding. Copyright of this drawing and designs executed remains vested in CANVAS landscape architects. Copyright remains with the Landscape Architects. Reproduction of this document is not permitted without the approval of the Landscape Architect. Contractors to verify site conditions and dimensions

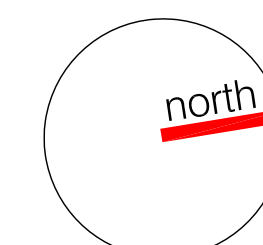
dwg title	scale: 1:100 @a1 dwg no.: DA-101	revision	date
landscape plan:	Client: LEVEL 33	P co-ordination	09/11/22
ground floor		A da submission	21/11/22
		B da amendments	06/09/23
		C da amendments	26/10/23



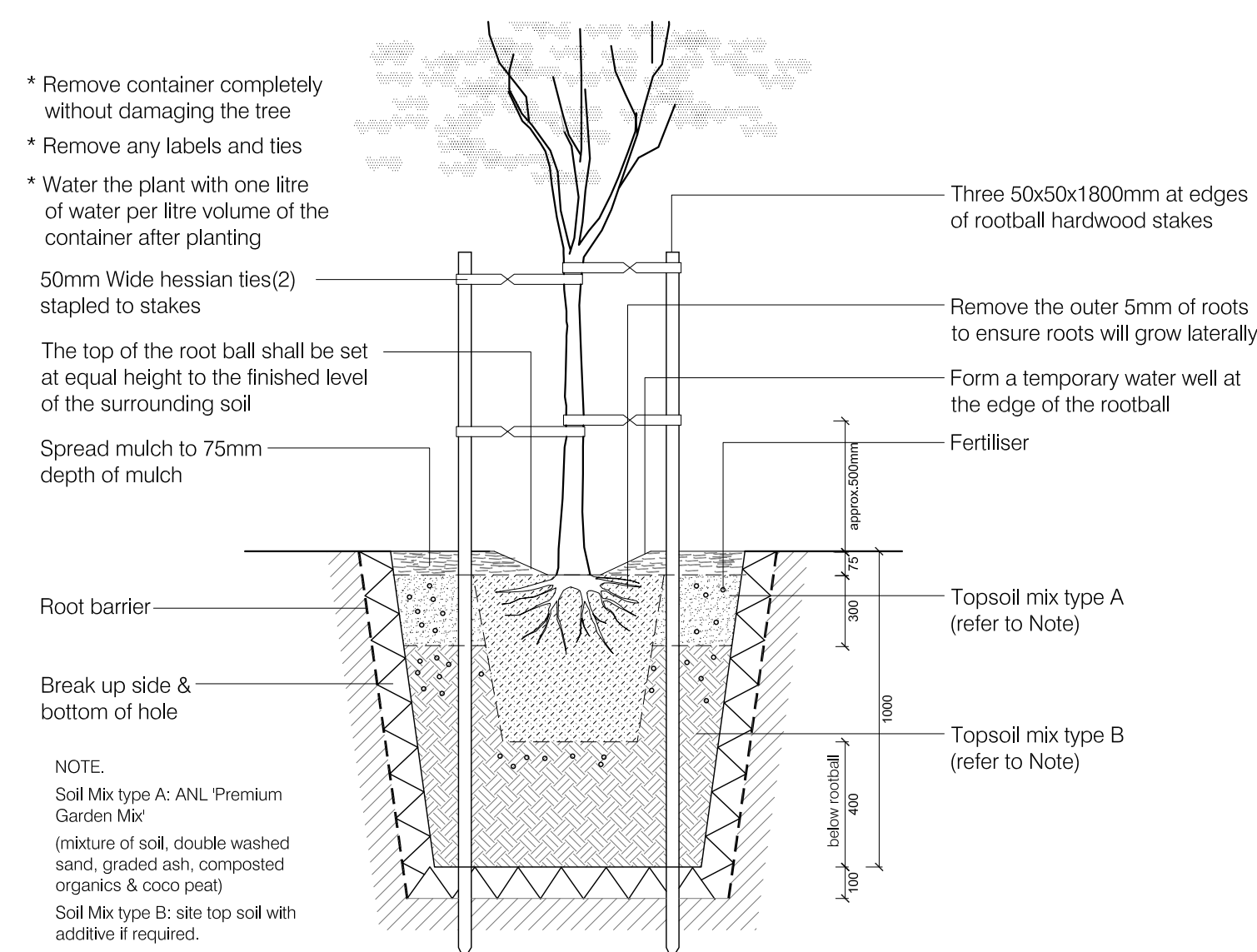
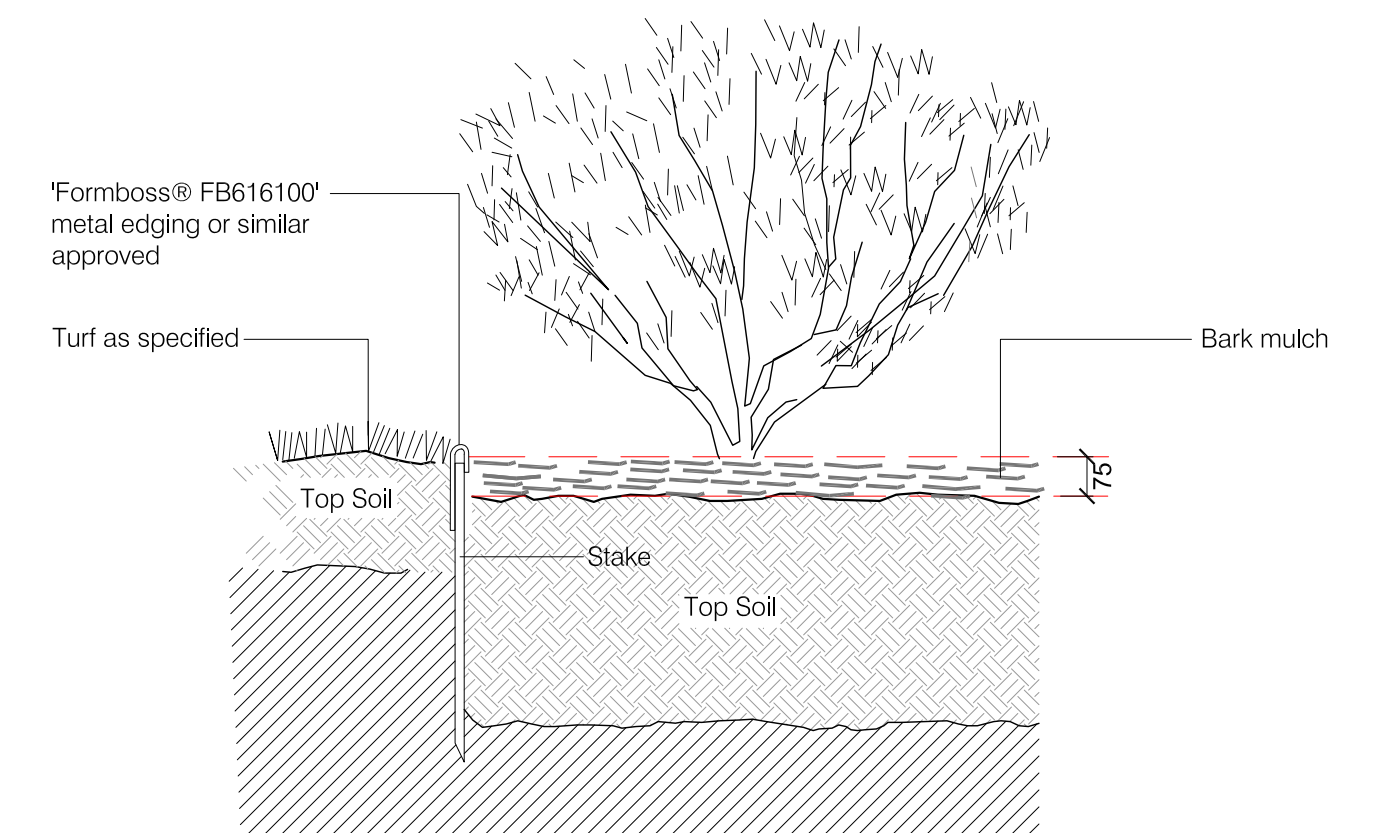
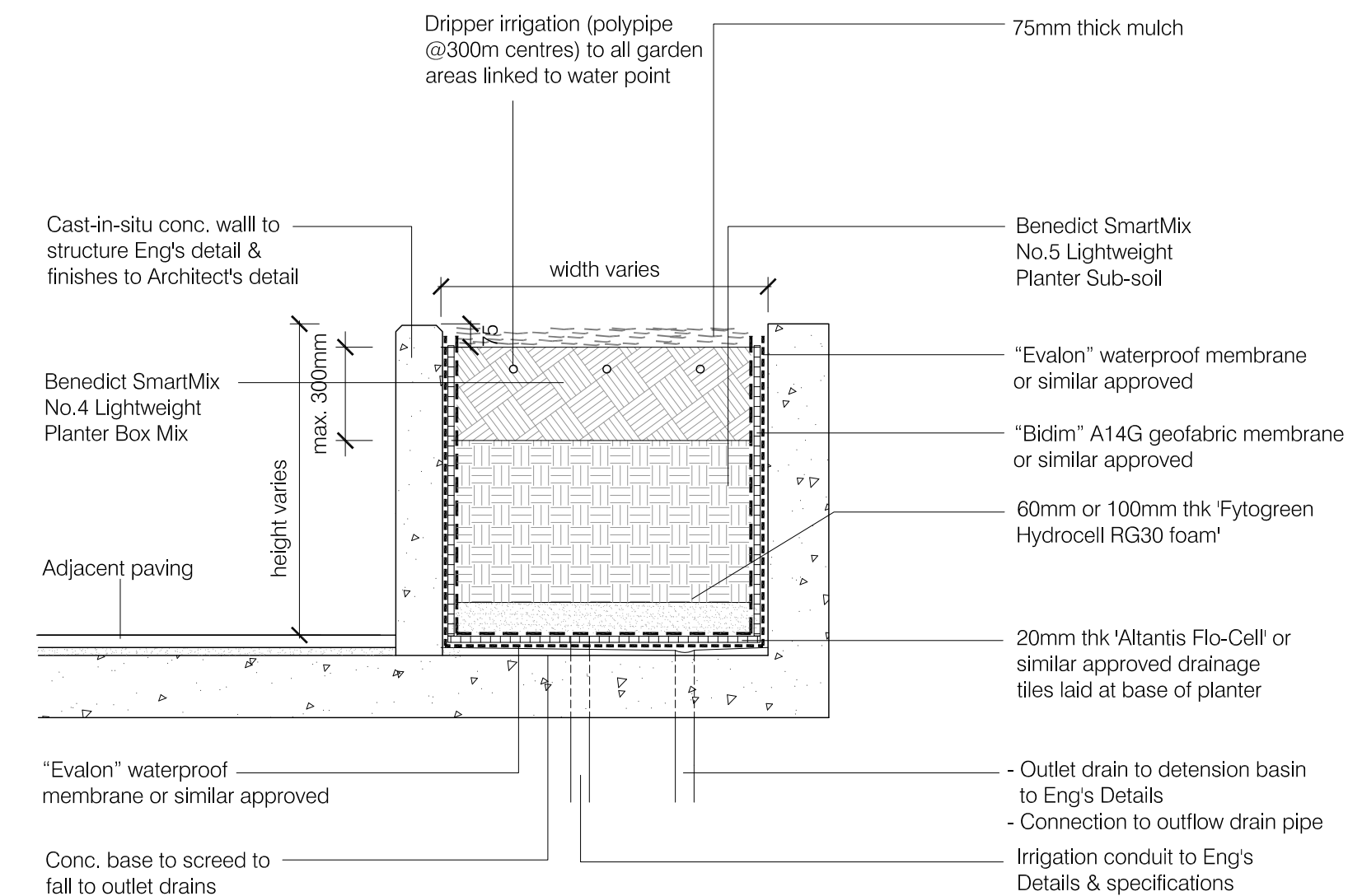
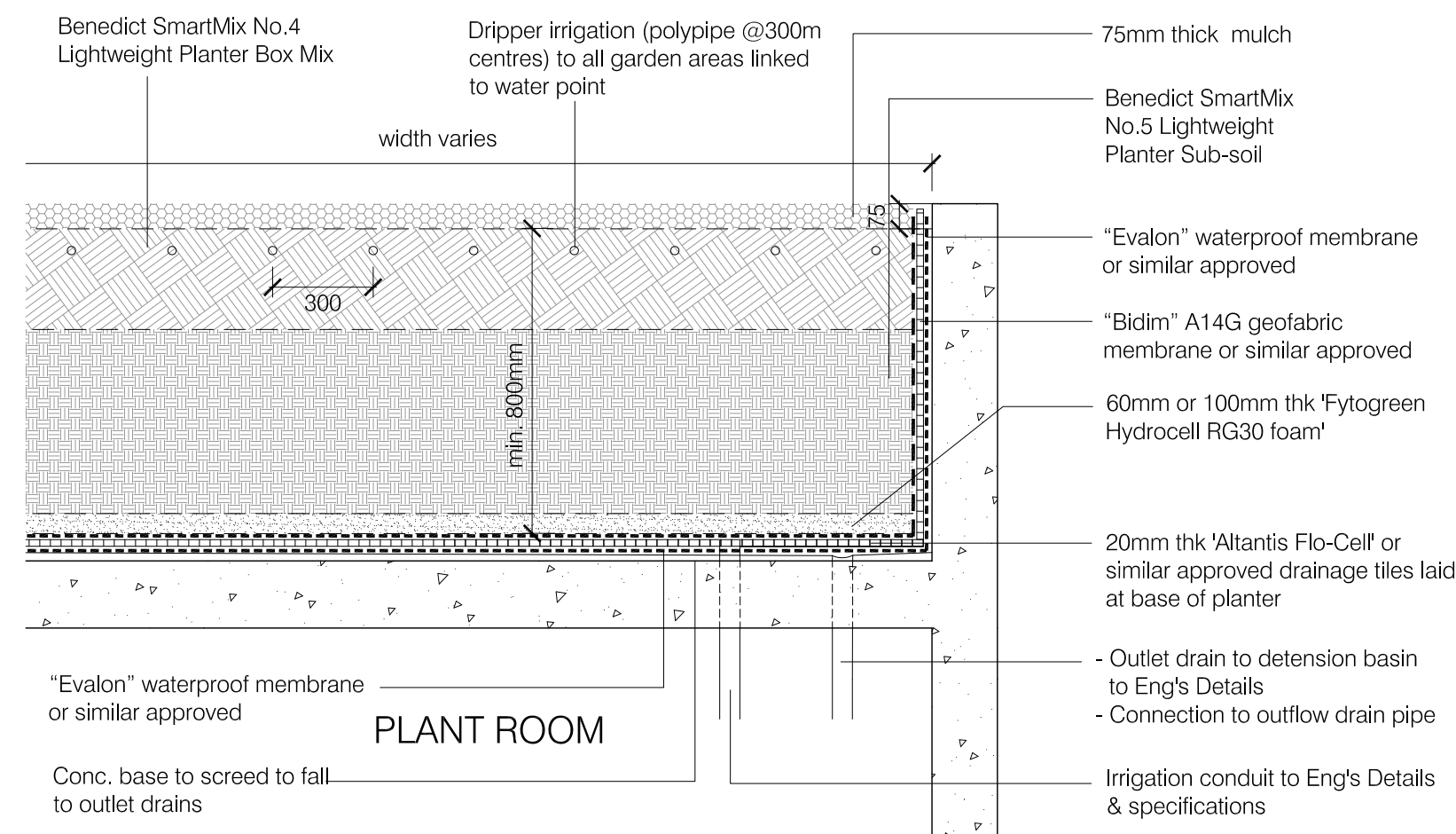
membership # 001253
mob: 0401 352 334
email: kobby@carvaslandscape.com.au

13 Crown Street, WOLLONGONG NSW

Do not scale off this drawing. Use figured dimensions only. Resolve discrepancies with The Landscape Architect before proceeding. Copyright of this drawing and designs executed remains vested in CANVAS landscape architects. Copyright remains with the Landscape Architects. Reproduction of this document is not permitted without the approval of the Landscape Architect. Contractors to verify site conditions and dimensions



dwg title	scale: 1:100 @a1	revision	date
landscape plan: level 02, level 03 to 10 & level 11	dwg no.: DA-103	P co-ordination	09/11/22
	Client:	A da submission	21/11/22
	LEVEL 33	B da amendments	06/09/23
		C da amendments	26/10/23



MAINTENANCE PROGRAM

The typical range of maintenance tasks required over a 12 month period is summarised in the table.

Any information provided in the table must be assessed in the light of the weather and general site conditions. For example, watering frequency depends on the soil drainage and rainfall; fertiliser type and frequency needs to be adjusted to suit the plant requirements and the soil fertility and pH.

Maintenance Task	Frequency											
	January	February	March	April	May	June	July	August	September	October	November	December
Grass												
Mowing lawn	WEEKLY			AS REQUIRED				WEEKLY				
Watering lawn	TWICE WEEKLY			AS REQUIRED				TWICE WEEKLY				
Fertilising lawn				AS REQUIRED								
Weed control												
Top dressing												
Aerating			PRIOR TO RESEEDING									
Reseeding												
Trees & Shrubs												
Watering	WEEKLY			AS REQUIRED				WEEKLY				
Fertilising				AS REQUIRED								
Pruning												
Mulching												
Weed control												
Thinning												
Insect & disease control												

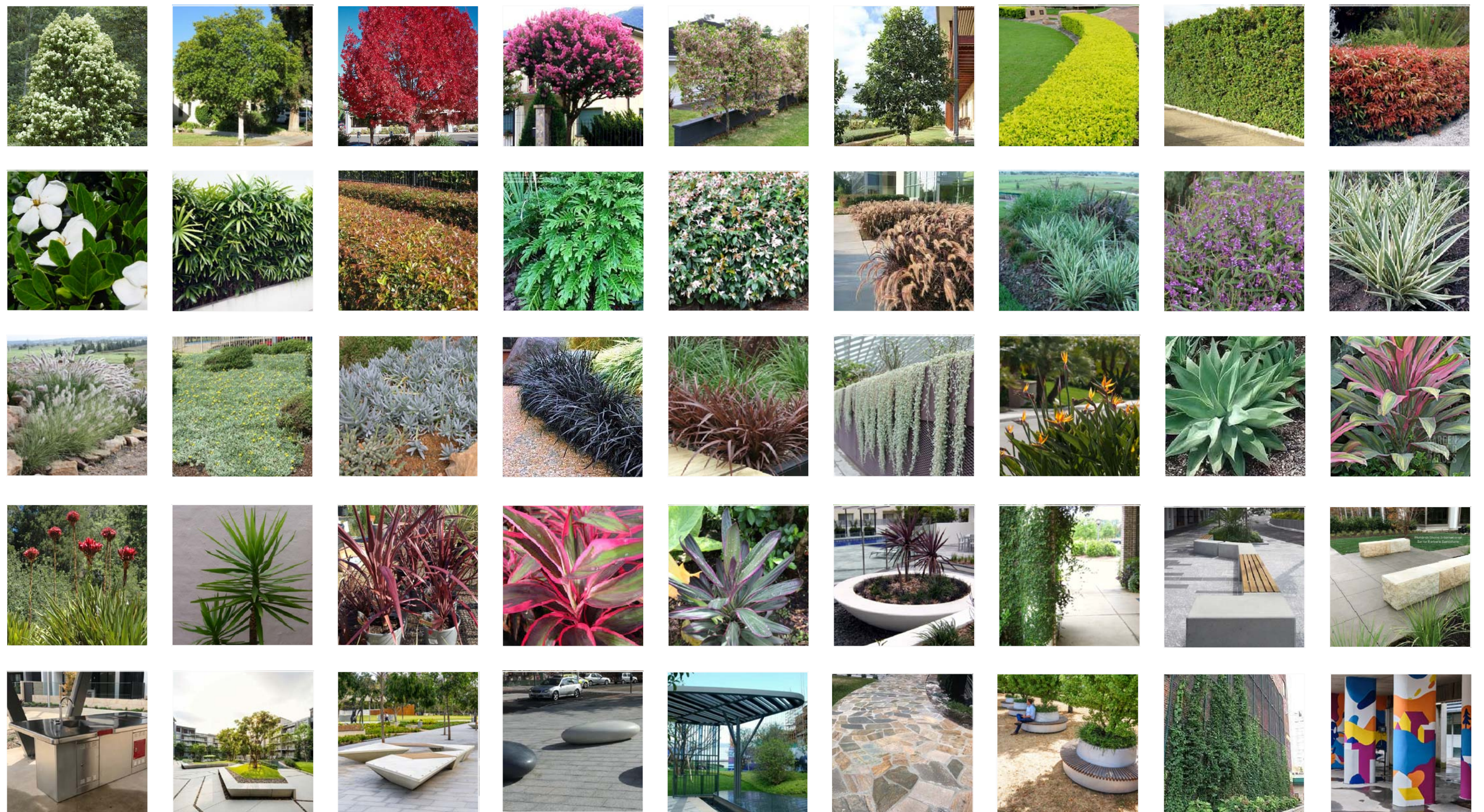
PLANT MAINTENANCE

Deep watering once or twice a week is more beneficial to plants than frequent light watering. Frequent watering will produce shallow roots and make the plant less stable and susceptible to drought. Maintain moisture to the bottom of the rootball for the first 3 months. To help safeguard plants remove labels immediately after planting. Where plants are susceptible to damage by vehicles to pedestrians, maintain protective fences until plants are well established. Replace dead plants fortnightly until such time as alternative maintenance procedures are in place.

LEGEND

	Existing trees to be protected & retained		Proposed crazy stone paving		Proposed Elec. BBQ
	Existing trees to be removed		Proposed external tile paving to Architect's details		Proposed large GRC pot
	Proposed street tree planting (refer to Council's specification)		Proposed conc. paving		Proposed seating pot
	Proposed fruit tree planting (refer to Council's specification)		Proposed timber seating platform with large feature GRC pot		Proposed pebble seat
	Proposed small tree planting (refer to proposed indicative plant schedule)		Proposed steel pergola		Proposed vegetable & herb garden bed
	Proposed shrub planting (refer to proposed plant schedule)		Proposed sandstone log seat		Proposed suspended OSD tank to Hydraulic eng's detail
	Proposed groundcover planting (refer to proposed plant schedule)		Proposed feature tile banding		Proposed S/W pits to Hydraulic eng's detail
	Proposed accent planting (refer to proposed plant schedule)		Proposed wiremesh green wall		Design levels
	Proposed natural turf area (refer to proposed indicative plant schedule)		Proposed cast-in-situ conc. bench		Existing levels
	Proposed timber deck		Proposed on-structure planter		Site boundary

PROPOSED PLANTING & LANDSCAPE ELEMENT PALETTE



PROPOSED INDICATIVE PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	POT SIZE	MATURE HEIGHT
TREES			
<i>Acer palmatum</i>	Japanese Maple	75L	5m
<i>Backhousia citriodora</i>	Lemon Scented Myrtle	75L	6m
<i>Citrus limon</i>	Lemon Tree	75L	4m
<i>Citrus x sinensis</i>	Sweet Orang	75L	5m
<i>Corymbia ficifolia</i>	Flowering Gum	75L	6m
<i>Elaeocarpus reticulatus</i>	Blue-berry Ash	75L	6m
<i>Eucalyptus haemastoma</i>	Scribbly Gum	75L	12m
<i>Fraxinus griffithi</i>	Evergreen Ash	75L	5m
<i>Lagerstroemia indica</i>	Crepe Myrtle	75L	5m
<i>Magnolia gradiflora</i> 'Little Gem'	Little Gem Magnolia	75L	4m
<i>Olea europaea</i>	Oliver Tree	75L	6m
<i>Pyrus calleryana</i> 'Chanticleer'	Calleryana Pear	75L	9m
<i>Tristanopsis laurina</i> 'Luscious'	Water Gum	75L	6m
SCREEN & BARRIER SHRUBS			
<i>Callistemon</i> 'Great Balls of Fire'	Great Balls of Fire Bottlebrush	200mm	1.5m
<i>Correa alba</i>	White Correa	150mm	1.5m
<i>Duranta</i> 'Sheena's Gold'	Golden Dew Drop (Hedge)	300mm	2m
<i>Gardenia augusta</i> 'Florida'	Gardenia 'Florida'	200mm	1.5m
<i>Philotheca myoporoides</i>	Wax Flower	200mm	1.5m
<i>Photinia glabra</i> 'Rubens'	Photinia	25L	2m
<i>Raphiolepis indica</i> 'Snow Maiden'	Indian Hawthorn	200mm	1.5m
<i>Rhapis excelsa</i>	Lady Palm	25L	2m
<i>Syzygium australe</i> 'Aussie Southern'	Syzygium 'Aussie Southern'	25L	2m

BOTANICAL NAME	COMMON NAME	POT SIZE	MATURE HEIGHT
GROUND COVERS			
<i>Alternanthera dentata</i>	Ruby leaf alternanthera	150mm	0.5m
<i>Anthurium Pink Pandola</i>	Flamingo Flower	150mm	0.5m
<i>Calathea ornata</i>	Prayer/Peacock Plant	5L	0.4m
<i>Civea minata</i>	Kaffir Lily	150mm	0.4m
<i>Dianella caerulea</i> 'little jess'	Flax Lily	150mm	0.4m
<i>Dianella revoluta</i> 'little rev'	Black Anther Flax Lily	150mm	0.8m
<i>Dianella Silver Streak</i>	Silver Streak Flax Lily	150mm	0.4m
<i>Dichondra 'silver falls'</i>	Dichondra	150mm	0.2m
<i>Duranta Mini Gold</i>	Dwarf Golden Dew Drop	200mm	0.5m
<i>Ficus pumila</i>	Creeping Fig	150mm	0.2m
<i>Gazania tomentosa</i>	Gazania	150mm	0.15m
<i>Hedera canariensis</i>	Canary Island Ivy	150mm	0.2m
<i>Lilippe muscari</i>	Lily Turf	150mm	0.3m
<i>Lomandra longifolia</i> 'Katrinus'	Spiny-headed Mat-rush 'Katrinus'	150mm	0.7m
<i>Ophiopogon japonicus</i> 'Black Dragon'	Mondo Grass	100mm	0.3m
<i>Pennisetum advena</i> 'Rubrum'	Purple Fountain Grass	150mm	1.5m
<i>Pennisetum alopecuroides</i>	Black Lea	150mm	0.8m
<i>Phylodendron Xanadu</i>	Xanadu	200mm	0.8m
<i>Poa sieberiana</i>	Grey Tussock grass)	200mm	0.8m
<i>Scaevola 'Purple Fanfare</i>	Purple Fan Flower	150mm	0.3m
<i>Themeda australis</i>	Kangaroo Grass	200mm	0.8m
<i>Trachelospermum jasminoides</i> 'tricolor'	Tricolor Jasmine	150mm	0.2m
<i>Viola hederacea</i>	Native Violet	150mm	0.1m

BOTANICAL NAME	COMMON NAME	POT SIZE	MATURE HEIGHT
ACCENT PLANTS			
<i>Agave attenuata</i>	Century Plant	200mm	1.5m
<i>Alpinia caerulea</i>	Native ginger	5L	1.5m
<i>Cordyline australis</i> 'Cabernett'	Cordyline Cabernett	200mm	1.2m
<i>Cimrum pedunculatum</i>	Beach Lily	200mm	1.5m
<i>Dorayanthus excelsa</i>	Gymea Lily	5L	2m
<i>Dracaena Marginata</i>	Dragon Tree	250mm	2m
<i>Hymenocallis littoralis</i>	Spider Lily	200mm	0.7m
<i>Phormium 'Bronze Baby'</i>	Bronze Baby Flax	200mm	0.8m
<i>Strelitzia reginae</i> dwarf	Dwarf Bird-of-Paradise	200mm	0.6m
TURF GRASS			
<i>Stenotaphrum secundatum</i>	Sir Walter Buffalo	roll	



membership # 001353
mob: 0401 352 334
email:kobby@canvaslandscape.com.au

13 Crown Street, WOLLONGONG NSW

Do not scale off this drawing. Use figured dimensions only. Resolve discrepancies with The Landscape Architect before proceeding. Copyright of this drawing and designs executed remains vested in CANVAS landscape architects. Copyright remains with the Landscape Architects. Reproduction of this document is not permitted without the approval of the Landscape Architect. Contractors to verify site conditions and dimensions

dwg title	scale: as shown @a1 dwg no.: DA-L106	revision	date
landscape plant schedule & image palette	Client: LEVEL 33	P co-ordination	09/11/22
		A da submission	21/11/22
		B da amendments	06/09/23
		C da amendments	26/10/23

ATTACHMENT 4 - DRP Notes

Wollongong Design Review Panel – via MS Teams Meeting minutes and recommendations

Date	7 June 2023
Meeting location	Wollongong City Council Administration Offices
Panel members	(Chair) Brendan Randles (Member) Marc Deuschle (Member) Stephen Pearse
Apologies	None
Council staff	Pier Panozzo – City Centre& Major Development Manager Brad Harris – Development Project Officer Amanda Kostovski – Design Expert
Guests/ representatives of the applicant	Eddy Haddad – Level 33 – Applicant Charbel Kazzi – Level 33 Jeff Mead – Planning Ingenuity Troy Loveday - Planning Ingenuity Karl May – Turner Studio Annraoi Morris – Turner Studio
Declarations of Interest	None
Item number	1
DA number	DA-2023/124
Reason for consideration by DRP	SEPP 65
Determination pathway	Wollongong Local Planning Panel
Property address	44 Harbour Street, Wollongong
Proposal	Mixed Use - demolition of existing buildings and structures and construction of a 14 storey shop top housing development including car parking, associated earthworks and landscaping
Applicant or applicant's representative address to the design review panel	
Background	The site was Inspected by the Panel on 7 June 2023 The proposal was seen by the Panel on the 26 th September 2022 at pre DA stage. Where relevant, notes from the previous report are shown in blue.
Design Quality Principles SEPP 65	
Context and Neighbourhood Character	<i>The site and its context have been very well considered in the documentation provided, which includes an analysis at multiple scales, an examination of DCP, LEP and ADG requirements, and various diagrams demonstrating how the design strategy responds to the site opportunities and constraints. Of the two options proposed, the Panel would agree with the architects that scenario one would appear to offer the best potential to design an excellent building. While the Panel generally commends the analysis and principles that underpin the preliminary proposal, various concerns regarding the podium, interface with public domain, landscape, materiality and expression were discussed at the meeting.</i> The presentation did not include the previously commended site and context analysis. Instead, given its DA stage, the Panel was more concerned that the proposal's capacity to meet the objectives of the entertainment zone, especially in terms of

	<p>ground level activation (ie. the provision of retail at its street edges) and its relationship with adjacent built form. See comments below in 'Built Form and Scale'.</p> <p>The Panel noted that for DA documentation, the drawings contained limited information and were quite bare. The site plan is lacking reduced levels at street level, within the site and at terrace and roof levels; setback dimensions to adjacent buildings and key items such as balconies and windows; outlook from adjacent buildings is not demonstrated and adjacent private, communal, and public landscapes are not shown. Typical plans lack essential information. The ground level plan has limited information about adjacent buildings, their ground level uses and specific built form detail, streetscape features, landscape, proposed paving, etc. No fire boosters or water meters are shown; it is not clear where they will be located, or if additional services, such as a substation, will be required. So close to the corner, it is not clear how kerb-side loading will work; no vehicular locations are indicated. What if it is found post-approval that kerb side loading – waste, removalists etc – is impossible? Without essential information regarding the building's servicing, the Panel is not convinced that they have been adequately considered; it cannot be assumed however that deficient items can simply be added later without reducing design quality.</p> <p>At upper levels there is little detail regarding adjacent built form and detail features such as party walls, balconies and windows; and setback distances are not described at all. Similarly, elevations and sections show only minimal information regarding adjacent built form and streetscape; while the development to the south is not shown at all.</p>
<p>Built Form and Scale</p>	<p><i>As noted above, the Panel supports in principle the approach to the site. A low podium can establish a good streetscape and amenable landscape, while a two unit/level tower allows for great amenity, residential comfort, and ADG compliance. In addition, on such a prominent corner site, the proposal's small tower floor plate has the potential to really stand apart from adjacent developments as a truly boutique tower. However, there are some shortcomings in the currently proposed built form, which could be markedly improved:</i></p> <p><i>The podium appears excessively introverted and inactive, especially along its eastern edge. In addition, the entry lobby is located more than 13m from the northern boundary, with deep covered porch space liable to lead to CPTED issues. It may be better to relocate the entry to the Harbour Street frontage; the advantages of this measure could include:</i></p> <ul style="list-style-type: none"> <i>- a larger retail space could activate the full width of the Crown Street frontage as well as substantial section of the Harbour Street frontage,</i> <i>- the relocated entry could increase activation along the Harbor Street frontage, thereby reducing the length of solid inactive wall,</i> <i>- this measure could include a rotated core, which may improve the tower layouts ie. this could allow a full width lobby (with outlook to east and west) and full width units.</i>

While the entry has been relocated to Harbour Street, little else has changed at ground level. Hence, 60% of the Harbour Street frontage is a blank wall concealing on-grade parking, waste rooms, and servicing. This is a very poor outcome for Wollongong's key entertainment precinct and not supported by the Panel.

It is recommended that the applicant consider additional retail /commercial facing Harbour Street, and consider the changing nature of this precinct and the ability for this street face to provide a viable active edge into the future. It is also noted that the ground level parking area does not allow for loading, which would suggest that all collections and removals of furniture and waste will have to contest with traffic and congestion on one of Wollongong's most significant corners – an undesirable outcome for a prestigious address. With some simple re-planning of basement levels however (and removal of excessive storage areas), the ground level parking can be relocated underground. This would allow a loading area to be inserted into the southwest corner, and an additional retail tenancy to replace visitor car spaces to the site's southeast.

As noted previously, the Panel is concerned that the north facing retail space provided is too small and insufficiently engaged with its street context. Nor is it provided with services that may be required if it were to become a bar / café or restaurant. It is recommended that all services required to function as a bar / café or restaurant, as described in the presentation, be included within the DA package. While a minimal arrangement as shown may work as a small café, this outcome does not necessarily match what has been described in the presentation. Should another form of commercial activity eventuate, the outdoor loggia space is liable to become windswept and abandoned, potentially leading to CPTED issues. This too would impact heavily on the amenity of the development as a whole. It is therefore recommended that the retail space be increased in size together with all associated services and its prominence increased, chiefly by significantly reducing the size (depth and width) of the loggia as first suggested.

It is noted that basement planning is very inefficient, dominated by storage and totally reliant on single ramps, which may require mirrors, waiting zones, and even traffic lights. However, simple re-planning of basement levels, including rotating car spaces and minor nudging of the core, could result in two way ramps and carriageways and a more rational way to house the same number of cars.

Although preliminary, the main focus of the podium landscape is the large undercroft, which seems inappropriate in a high profile coastal locality. Adjacent gardens are compromised by a 6m width and proximity to a single unit, which appears out of place. While the undercroft's double height improves its spatial amenity, its impact on the overall composition appears clumsy and ill resolved. To improve the podium's amenity, it may be better to:

- relocate the podium level unit to an upper level (where the greatest value is),*
 - allow for an amenable communal room under the tower,*
 - significantly reduce the plan area of undercroft; this may allow for single level height, which apart from allowing for*
-

an additional unit above, may improve the overall built form,

- *allow for a communal open terrace at roof level – perhaps on the southern side of the tower – to complement the internal nature of the podium landscape with outlook and breeze.*

It was noted that the scale and expression of the podium does not create a compelling streetscape presence. Not only is it considerably lower than the existing podium to the south, its expression does not relate to the tower, which may result in a disappointing result. To strengthen the streetscape and podium landscape (ie. as outdoor rooms) it may be better to allow the podium walls to extend vertically so as to be a level or two higher, either by increasing the height of expressed arches, or columns and horizontal elements, or whatever expression is most appropriate.

While the Panel accepts that the proponent does not share this assessment of the undercroft, it did note that the adjacent podium – now nearing completion – is very prominent, clumsily detailed, and liable to become highly intrusive on this proposal's composition and expression. It would also insist that the openness of the loggia exposes the large columns, which struggle to find visual coherence with either the podium or tower above. It is therefore recommended again that this space be reconsidered.

The double height space above the podium does provide good volume and solar access to the COS however it does mean an overly dominant view of the soffit is created from the street.

It is recommended that the applicant explore methods to reduce these impacts. One solution may be to take elements of the sculptured sandstone podium form and invert through levels 1 and 2 to screen the columns from Harbour Street, screen part of view into the COS from Crown Street, and screen the neighbouring blank podium concrete wall. This approach does not mean the full enclosure by walls of the podium which would be considered excessive.

This would also have an added benefit of reinforcing this corner with a larger scaled dynamic, sculpted podium, possibly assisting the identity of any commercial / retail asset on the ground floor.

As noted above, the tower layout – its expression and internal amenity - may be improved by rotating the core; this would allow for full width lobbies and units on all levels.

In addition, rather than setting back upper levels, it may be better to allow for one of the portions of the tower (say the northern part) to rise full height – so as to increase the tower's apparent verticality and slenderness, while enhancing its internal amenity.

Partially addressed.

The Panel does not support the extent of tower glazing currently proposed and would recommend increasing solidity, especially along bedrooms and other spaces that would appear not to benefit from full transparency. Glazed residential buildings often result in furniture against glass, dark performance glass, necessitated to combat heat gain and intrusive glare and other impacts at certain hours of the day.

	<p>The Panel notes that the extent of glazing has been reduced through the introduction of solid panels.</p> <p><i>Balconies appear too open and lacking in screening or solidity, even at edges; this is liable to constrain use due to perceived privacy issues, exposure to elements, and limited comfort. Unused balconies with open balustrades can often result in materials being stored on them and other poor outcomes.</i></p>
Density	Acceptable
Sustainability	<p><i>There are many opportunities to integrate sustainability initiatives into a resolved design proposal, such as solar energy generation, rainwater harvesting, large trees to demonstrated soil depths, reduction of impacts of the UHI Effect, EV charging spaces, enhanced bicycle storage (preferably at ground level or in a convenient location), etc. This is yet to be demonstrated. While high levels of solar compliance and cross ventilation are commended, it is of concern that the tower and balconies are not provided with screening or a degree of solidity to mediate solar access during the day.</i></p> <p>There does not appear to be a description within the documents that outlines sustainability specifically as an outcome for the site. The applicant is to outline separately the sustainable initiatives designed into the project and address the DRPs earlier comments.</p>
Landscape	<p><i>Deep Soil Zone (DSZ)</i> <i>While deep soil on natural ground may not be required in the City Centre, opportunities for shade trees collocated with the communal open space should be provided. Consideration must be given to where this is most appropriate with regards to the spaces created, impacts on neighbours, and overall aesthetics. If these areas could be dropped down to finish flush with the slab (as opposed to raised above it) this would create a better condition for users.</i></p> <p>It is a great initiative to have deeper planters on the podium level and it appears to allow the landscape to be flush with the surrounding surface finishes, though detail of this should be provided.</p> <p>The planter depth is noted to have a maximum depth of 3m however no minimum is indicated and should be included.</p> <p>With the deep planters being above servicing and parking, the depth of the planter could be designed to a consistent 1.5m depth and still provide adequate volume for growth. This may allow more flexibility on the ground floor for reconfiguration noted above.</p> <p>The location of the deep planters along the western edge seems appropriate as it allows trees to be placed here to minimise the impact of the neighbour's blank wall. However, the full potential the deeper planters provide, to allow for medium to large canopy trees associated with meaningful COS, is not realised.</p> <p><i>Communal Open Space (COS)</i></p>

The quantity of COS proposed for this project is commended and will be a great asset for the residents. Concern is raised that, through its conception as an undercroft space it may not afford the same quality of space as one open to the sky, particularly with regards to solar access. As the design develops consideration should be given to whether an additional COS on the roof could provide further amenity that a COS at the lower level is unable to provide due to the undercroft nature of the space (ie, solar, breeze, sky, views). This should however not see the removal of COS at the lower level. Verification that the ADG's minimum requirements for COS mid-winter solar access can be achieved should be provided.

As the landscape is developed in detail, thought must be given to how various types of amenity and program can be provided that suit the location in which they are proposed with regards to noise, solar, impacts on neighbours, and avoiding conflict between users. Multiple uses per space are encouraged where possible.

COS is provided across the L1 podium, and a small portion of the L11 rooftop. It is commended that such a large quantity of COS has been retained as the project design has developed. The amenity and program issues noted previously remain however, and could be better resolved with the following to be considered:

- With 20 apartments there is likely to be a varied demographic ranging in ages, background, and interests. A larger variety of program should be provided as the current dominance of seating appears to be limiting use within the COS.
- There are clear zones defined by the tower placement: a large, covered, and sunny space to the north, an open shaded space to the south, and a linear space along the west. It should be resolved how these can respond to their unique microclimates? How they can be separated from each other to create more privacy for users, and display a different character to each other, to allow more variety and flexibility of use?
- How can the COS provide the 'in-between' scaled spaces that are not provided by each unit's POS or the nearby parks?
- How can a space be shared, or occupied by multiple users / groups, without a conflict being created between uses or users?

With regards to some of the current details:

- A BBQ is provided, but there are no tables / seats provided in its proximity. Its location also feels very exposed to the rest of the space.
 - What is the purpose of the lawn? Given it is on the shaded part of the building, does it get enough sun to grow? If it is synthetic (which is not supported) what is the benefit of the deep planter under?
 - Why is there so much paving around the lawn area? Besides surface material, how is this space different to the northern area and what amenity could it provide?
 - Could L11 be better accessed so it is not entered via a service corridor? Could the space be designed to
-

	<p>highlight views down the coast by focusing outwards, not inwards, eg by removing the edge seating and allowing views through this edge? How is edge safety / climb-ability dealt with?</p> <p><i>Public Domain</i> <i>Given the prominence of the site, it is encouraged that the public domain is considered as part of this development. For example, could street trees be added to continue the Crown Street and Harbour Street plantings? How does the footpath interface with the building edge and private paving (eg lobby)? A landscape / public domain plan showing treatment from kerb to building edge should be provided.</i></p> <p>It is commended that the site's streetscape has now been included in the plans and that street trees have been proposed along both Crown Street and Harbour Street. Underground services should be surveyed / plotted to ensure trees can be added as proposed.</p> <p>Along Harbour Street, the interface between the development and the streetscape includes a pair of large rectangular planters. While these could beautify the street, when considered together with the carpark opening, they mostly create a long stretch of frontage that is not active and not supported. As noted above, it should be explored how a greater frontage could be activated via retail, and any landscape added should complement this.</p> <p>Along Crown Street, and the northern end of Harbour Street, the development is set back several metres with a loggia provided as an extension of the internal commercial tenancy. The landscape plan suggests this area will be furnished with a series of movable and permanent seating. While this may be acceptable if this becomes an F+B outlet, it raises concerns should it remain a commercial tenancy as indicated by the plans; including CPTED, who will take ownership of it, and, how it is activated and maintained.</p> <p>The Panel feels that a greater proportion of the development should be directly engaged with the streetscape along the Crown Street, and particularly the Harbour Street interface. If the tenancy is to be an F+B outlet, then it should be shown as this and all necessary provisions outlined to ensure its success.</p> <p>The curvilinear paving pattern in the loggia appears to have little relationship to the street, built form, or landscape elements.</p> <p><i>General Landscape</i> <i>The landscaping proposed up the façade of the building could be a great addition to the aesthetic of the project; however, it is unclear how it will be maintained, given that it is merely part of the private balconies – which all feature open palisade balustrades. Proximity to the ocean will limit the species available and this will need to be carefully considered for all planting. Endemic species are strongly encouraged.</i></p> <p>Concerns remain and need to be addressed.</p>
Amenity	<p><i>Amenity concerns include:</i></p> <ul style="list-style-type: none"> - <i>depth of entry from street (with potential CPTED issues)</i> <p>Not addressed; Panel concerns remain.</p>

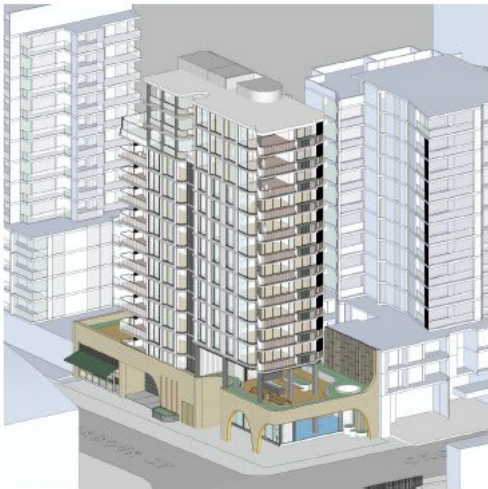
	<ul style="list-style-type: none"> - <i>limited activation at street level,</i> <p>Not addressed; Panel concerns remain.</p> <ul style="list-style-type: none"> - <i>inactive streetscape along Harbour Street,</i> <p>Not addressed; Panel concerns remain.</p> <ul style="list-style-type: none"> - <i>landscape issues at podium level – see above,</i> <p>Further detail added; Panel concerns noted above.</p> <ul style="list-style-type: none"> - <i>excessive glazing to residential tower with limited screening and solidity,</i> <p>Addressed.</p> <ul style="list-style-type: none"> - <i>balconies appear too open which may constrain use,</i> <p>Balconies appear to be very open with little opportunity to provide wind / weather protection. It is recommended that all balconies include some form of adjustable screening to provide usable external areas especially given the prominent exposed location of the building towers the coastal NE and SE winds, both of which can be extreme. This is an important issue to be addressed now as it can become an issue after residents move in and seek façade adjustments.</p> <ul style="list-style-type: none"> - <i>bicycles spaces would be better housed at ground level or upper basement.</i> <p>Bicycles now relocated near the ground floor lobby, though only 7 spaces + 2 visitors are provided. Given the proximity to beachside trails and the number of apartments, the Panel is concerned this is not adequate.</p>
Safety	<p><i>See notes above regarding the depth of entry from street, with street level porch raising potential CPTED issues.</i></p> <p>Not addressed; Panel concerns remain.</p>
Housing Diversity and Social Interaction	<p><i>Housing mix is acceptable (given scale and nature of development), however, the provision of landscape and communal open space could be significantly improved.</i></p> <p>Refer to notes above referring to the inadequacies of the COS in providing useful and social spaces for residents. Greater effort must be made to provide variety, flexibility, and program suitable for a complex of this quality and scale.</p>
Aesthetics	<p><i>As noted above, the Panel is concerned that the extent of full height unscreened glazing will not optimize residential comfort or its aesthetics.</i></p> <p>Addressed.</p> <p><i>The Panel is also concerned that the expression of the podium, as well as its scale and character, does not relate to the tower and appears to compound its internalised nature –which is not ideal for streetscape. With the amendments required, it is recommended that the aesthetics of the building are reviewed accordingly.</i></p> <p>The Panel recommends that the podium be given further consideration, including increased activation at street levels; removal of kerbside, less prominence (height) given to the undercroft; a reassessment of the large columns at level one</p>

	<p>which are highly prominent yet fail to relate to either the tower or the podium.</p> <p>It is not clear from the drawings as to the location of any AC units or clothes drying facility. It is recommended that these be indicated on the drawings and appropriately screened so as not to be visible from the public domain.</p>
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building 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,	See notes regarding the podium generally and its lack of engagement with adjacent built form; the recessed retail; the lack of Harbour Street activation; the awkwardly arranged double height undercroft and prominent columns;
Whether the proposed development detrimentally impacts on view corridors,	No
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
How the development addresses the following:	
the suitability of the land for development,	Suitable
existing and proposed uses and use mix	Suitable; however retail provision is deficient.
heritage issues and streetscape constraints,	Streetscape activation is insufficient.
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,	<p>Appears acceptable however lack of contextual information means that proposal does not yet demonstrate how the tower impacts on adjacent windows, balconies, sightlines, privacy etc.</p> <p>It is recommended that a set of plans clearly indicate the required setbacks for all neighbours especially with respect to habitable to habitable space including all balconies, etc and boundaries, and where not complying with recommended outcomes the applicant highlight and describe the reasons for any variation.</p>
bulk, massing and modulation of buildings	See notes above regarding the proposal's failure to demonstrate a relationship between the podium and adjacent built form.
street frontage heights	See notes above regarding the proposal's failure to demonstrate a relationship between the podium and adjacent built form.

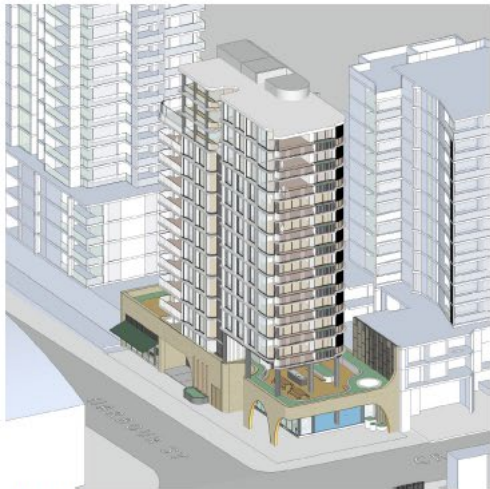
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Acceptable
the achievement of the principles of ecologically sustainable development	Unable to be assessed at this time. More information demonstrating sustainable initiatives proposed for the project must be included. It is advised that this project aim to be an exemplar given its high-end ambitions.
pedestrian, cycle, vehicular and service access, circulation and requirements	See notes above regarding unacceptable ground level parking (instead of active retail), inefficiently planned basement levels, unnecessary reliance on single ramps and carriageways and a lack of loading bay (necessitating all loading and collection on street near a very busy corner)
impact on, and any proposed improvements to, the public domain	See notes above regarding insufficient active retail; excessively deep loggia and 60% of Harbour Street dedication to servicing.
Recommendations	<p>It is recommended that suggested changes be made to the proposal, including:</p> <ul style="list-style-type: none"> - increased contextual and technical information on drawings - further resolution of required servicing, including the integration of fire boosters and other technical fittings along the public domain; loading bay; etc - increased ground level activation to Crown Street (via amended loggia) and Harbour Street - increased size and prominence to north facing retail - rationalising basement levels including two-way ramps and carriageways; removal of excessive storage, etc - refinement of podium / undercroft composition - providing an improved COS offering with greater amenity and program - indicating all AC and clothes drying and screens - indicating how balconies will be screened to provide adequate amenity for variable wind and weather conditions. - Describing sustainable initiatives for the site.

Attachment 5 – Sun Eye Diagrams

URBAN DESIGN REPORT 13 CROWN ST | WOLLONGONG



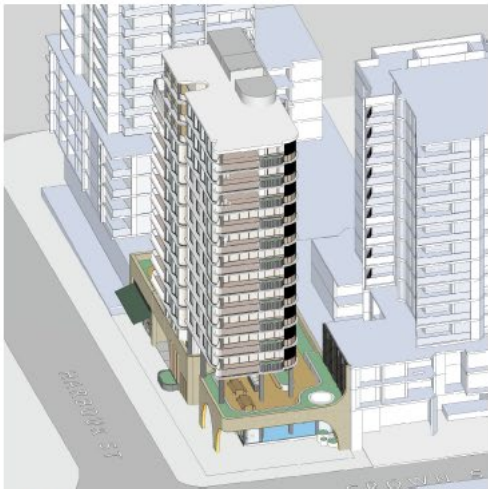
09.00



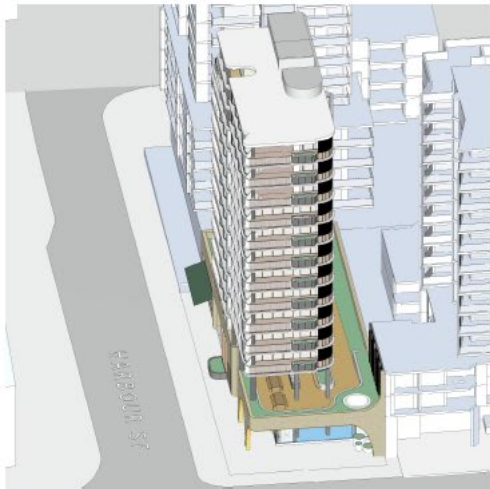
09.30



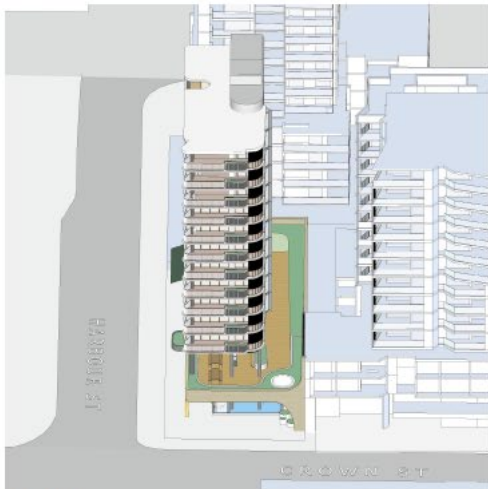
10.00



10.30



11.00



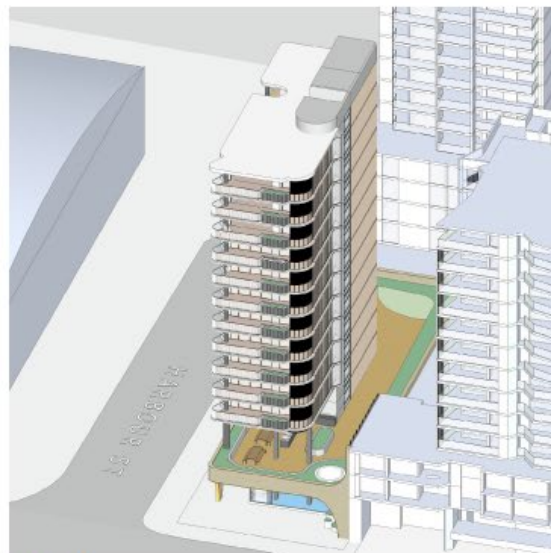
11.30

SHADOW AND VIEW ANALYSIS 05

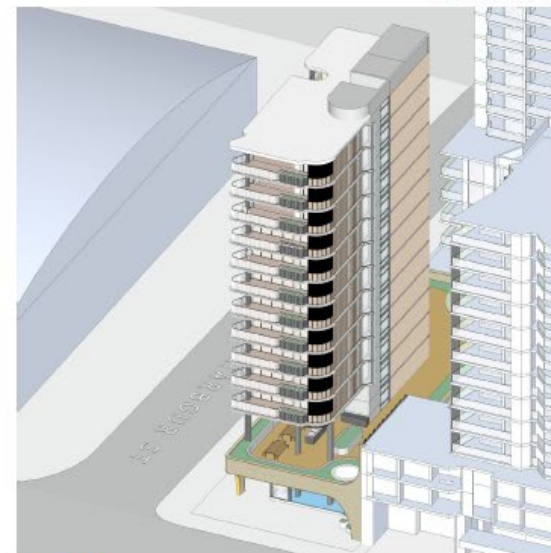
SUN-EYE DIAGRAMS - JUNE 21ST



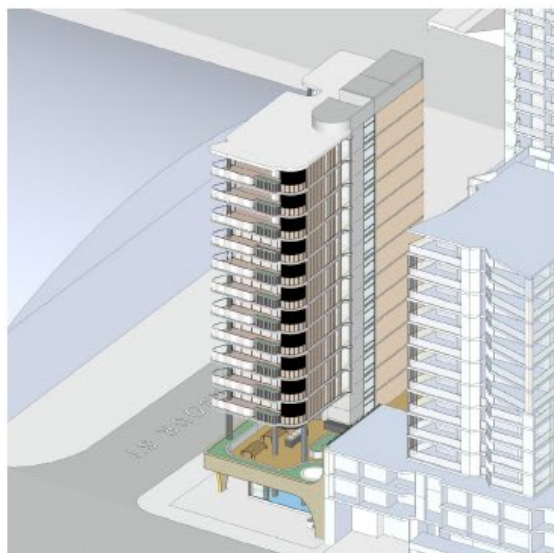
12.00



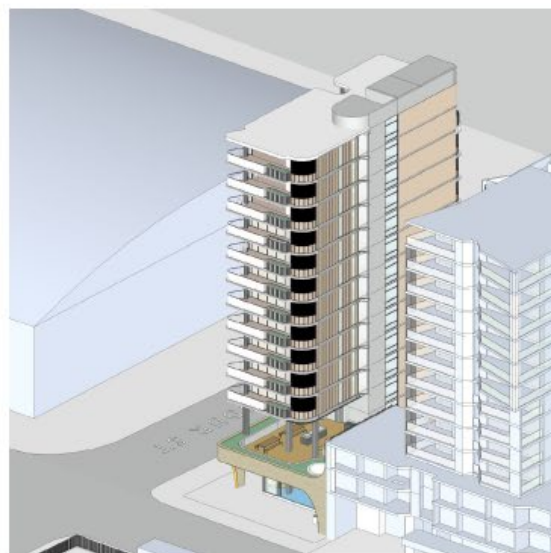
12.30



13.00



13.30

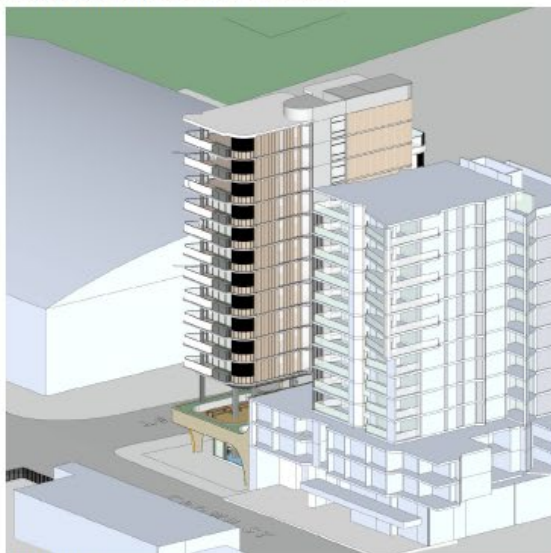


14.00



14.30

SUN-EYE DIAGRAMS - JUNE 21ST



15.00

SUN-EYE DIAGRAMS - JUNE 21ST



09.00



09.30



10.00



10.30



11.00



11.30

SHADOW DIAGRAMS - JUNE 21ST



12.00



12.30



13.00



13.30



14.00



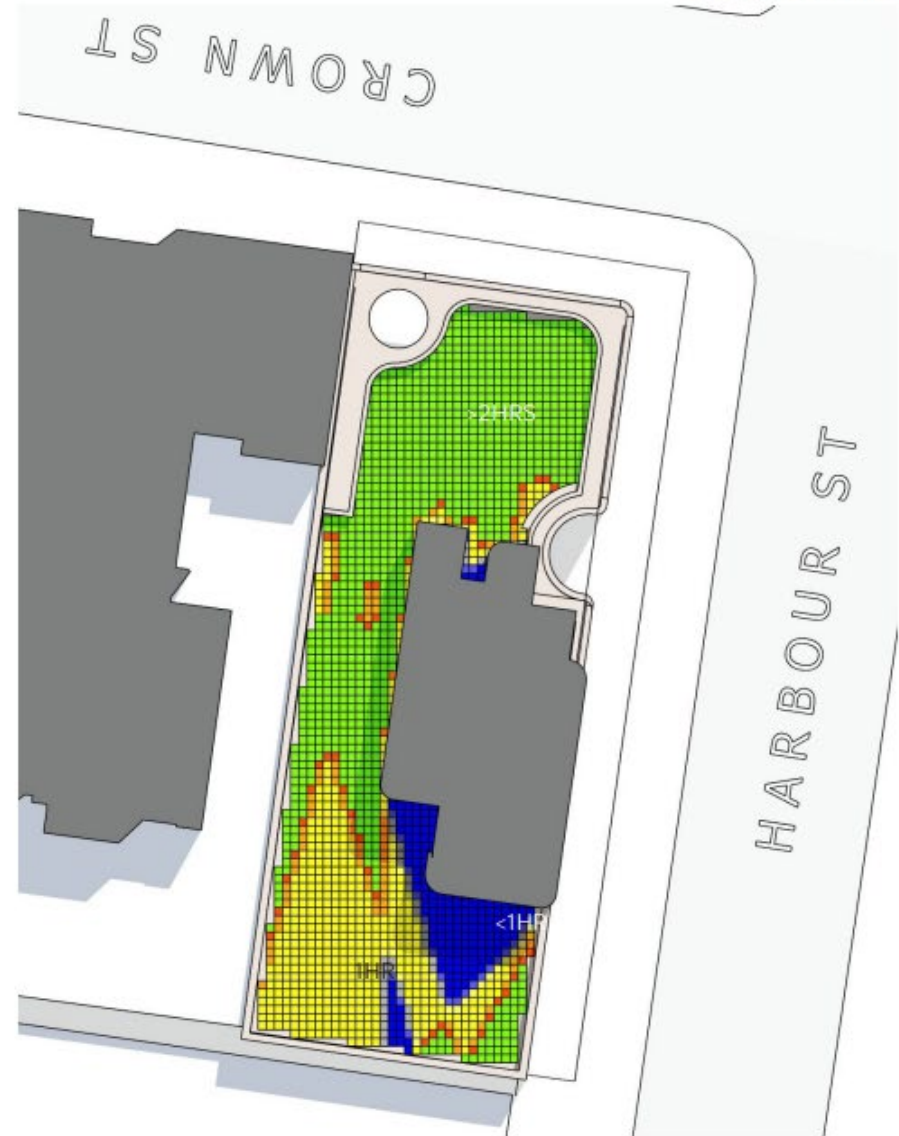
14.30

SHADOW DIAGRAMS - JUNE 21ST



15.00

SHADOW DIAGRAMS - JUNE 21ST



SUN HOURS GRID - JUNE 21ST

ATTACHMENT 6 – ADG compliance table

Key SEPP 65 standards			
	Required	Proposed	Compliance
3D Communal and public open space	<p>Communal open space (COS) has a minimum area equal to 25% of the site.</p> <p>Minimum of 50% direct sunlight to the principal usable part of the COS for a min of 2 hours between 9am- 3pm mid winter</p>	<p>The proposal includes above podium COS at Level 1 (532m²) and Level 11 (50.81m²).</p> <p>Total area of COS provided is 582m² (57%) which complies.</p> <p>The level 1 podium provide an on deck space partially sheltered under the tower. The terrace on Level 11 provide views and full solar access.</p>	Yes
3E Deep soil zones	<p>Less than 650m² - N/A 650m² - 1,500m² - 3m Greater than 1,500m² - 6m</p> <p>Deep soil zone (7% of site area)</p>	<p>Deep soil is not required to developments within the city centre.</p> <p>Landscaping of COS areas is provided to for the amenity for residents</p>	Yes
3F Visual privacy (separation distances from buildings to the side and rear boundaries)	<p>Up to 12m (4 storeys) - 6m (habitable rooms & balconies) 3m (non – habitable rooms) Up to 25m (5-8 storeys) – 9m (habitable rooms & balconies) 4.5m (non – habitable rooms)</p>	<p>The proposed development includes a building separation of 0m to all boundaries on the Ground Level (street wall height). This is supported for podiums where a blank wall is provided to the shared boundary, as proposed.</p> <p>With regards to the floors above podium level (Levels 1-13), the following building separation is provided: Levels 1-13</p> <ul style="list-style-type: none"> • West = 24 metres • South = 36 metres 	Complies (refer also to Clause 4.6 Variation to WLEP 2009 building separation requirements)
3J Bicycle and car parking (Nominated regional centres; Wollongong, Warrawong, Dapto)	<p>RMS Guidelines – 0.6 spaces per 1 bed unit 0.9 spaces per 2 bed unit 1.4 spaces per 3 bed unit 1 space per 5 units (visitors)</p> <p>Chapter E-3 of WDCP 2009 per 70-110m² unit = 20 1 per >110m² unit = 7.5 0.2spaces per unit visitor = 6 Spaces</p>	<p>The site is nominated regional centre.</p> <p>Therefore, parking rates in the TfNSW Guide for Traffic Generating Development apply to the residential part of the development, being lesser than the WDCP 2009 rates.</p> <p>Provided:</p>	Yes

	Commercial 1 /60m ²	26 resident car spaces and 4 visitor car spaces. This is a total of 30 spaces against a requirement for 28.6 spaces under the GTTGD. A further two (2) spaces are provided for the retail/commercial use	
4A Solar and daylight access	Living rooms and private open space, 2 hours direct sunlight in mid-winter to 70% of units. Units receiving no direct sun light between 9am and 3pm mid-winter 15% maximum	100% of apartments receive m in 2 hours of sunlight between 9am and 3pm mid winter.	Yes
4B Natural ventilation	60% of units to be naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m.	All apartments are naturally cross ventilated. No cross-over or cross-through apartments exceed 18m in depth.	Yes
4C Ceiling heights	Habitable rooms 2.7m Non-habitable 2.4m	Floor to ceiling heights in all habitable areas are at least 2.7m in height. Some non-habitable rooms may have 2.4m floor to ceiling height due to localised mechanical and hydraulics services requirements.	Yes
4D Apartment size and layout	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 90m ²	Minimum apartment sizes have been achieved throughout the development.	Yes
4E Private open space and balconies	Studio apartments 4m ² - depth N/A 1 bedroom apartments 8m ² min depth 2m 2 bedroom apartments 10m ² min depth 2m 3+ bedroom apartments 12m ² min depth 2.4m	Minimum balcony sizes have been achieved throughout.	Yes
4F common circulation spaces	The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No more than 2 apartments are proposed per circulation core. The proposal involves fewer than 40 apartments per lift.	Yes

4G Storage	Studio apartments 4m ³ 1 bedroom apartments 6m ³ 2 bedroom apartments 8m ³ 3+ bedroom apartments 10m ³	All 21 apartments have compliant areas of storage, located within the apartment. Additional resident storage also provided on Basement Levels 1 and 2.	Yes
4K Apartment mix <u>Objective 4K-1</u> <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i> <u>Objective 4K-2</u> <i>The apartment mix is distributed to suitable locations within the building</i>		10 x 2-bed units (47%) and 11 x 3-bed units (53%) are provided. -The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups	Yes
4L Ground floor apartments <u>Objective 4L-1</u> <i>Street frontage activity is maximised where ground floor apartments are located</i> <u>Objective 4L-2</u> <i>Design of ground floor apartments delivers amenity and safety for residents</i>		No ground floor apartments are proposed.	N/A
4M Facades <u>Objective 4M-1</u> <i>Building facades provide visual interest along the street while respecting the character of the local area</i> Design guidance - To ensure that building elements are integrated into the overall building form and façade design - The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building. - Building services should be integrated within the overall facade - Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. - To ensure that new developments have facades which define and enhance the public domain and desired street character. <u>Objective 4M-2</u>		Facades are appropriate and overall design is acceptable with regard to the design excellence provisions of the LEP.	Yes

<p><i>Building functions are expressed by the facade</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Building entries should be clearly defined 		
<p>4N Roof design</p> <p><u>Objective 4N-1</u> <i>Roof treatments are integrated into the building design and positively respond to other street</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Roof design should use materials and a pitched form complementary to the building and adjacent buildings. <p><u>Objective 4N-2</u> <i>Opportunities to use roof space for Roof design is acceptable Yes residential accommodation and open space are maximised</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Habitable roof space should be provided with good levels of amenity. - Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations <p><u>Objective 4N-3</u> <i>Roof design incorporates sustainability features</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Roof design maximises solar access to apartments during winter and provides shade during summer 	<p>The roof has been designed as a simple flat roof to reduce the extent of the proposed height breach and avoid unnecessary bulk.</p> <p>Roof plant and services have been appropriately located.</p>	Yes
<p>4O Landscape design</p> <p><u>Objective 4O-1</u> <i>Landscape design is viable and sustainable</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Landscape design should be environmentally sustainable and can enhance environmental performance - Ongoing maintenance plans should be prepared <p><u>Objective 4O-2</u> <i>Landscape design contributes to the streetscape and amenity</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Landscape design responds to the existing site conditions including: <ul style="list-style-type: none"> • changes of levels 	<p>Landscape design satisfies relevant provisions and is satisfactory to Council's landscape Section.</p>	Yes

<ul style="list-style-type: none"> • views • significant landscape features 		
<p>4P Planting on Structures</p> <p><u>Objective 4P-1</u> <i>Appropriate soil profiles are provided</i> Design guidance - Structures are reinforced for additional saturated soil weight - Minimum soil standards for plant sizes should be provided in accordance with Table 5</p> <p><u>Objective 4P-2</u> Minimal planting on structure proposed; most landscaping will occur in the ground N/A <i>Plant growth is optimised with appropriate selection and maintenance</i> Design guidance - Plants are suited to site conditions</p> <p><u>Objective 4P-3</u> <i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i> Design guidance - Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes 	<p>The landscaping of the podium level and the street frontages has been assessed and is considered acceptable by Council's landscape officer in relation to Chapter E3 – Landscaping of WLDCP 2009.</p>	<p>Yes</p>

<p>4Q Universal design</p> <p><u>Objective 4Q-1</u> <i>Universal design features are included in apartment design to promote flexible housing for all community members</i></p> <p>Design guidance - A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures</p> <p><u>Objective 4Q-2</u> <i>A variety of apartments with adaptable designs are provided</i></p> <p>Design guidance - Adaptable housing should be provided in accordance with the relevant council policy</p> <p><u>Objective 4Q-3</u> <i>Apartment layouts are flexible and accommodate a range of lifestyle needs</i></p> <p>Design guidance - Apartment design incorporates flexible design solutions</p>	<p>3 adaptable units and 5 silver level units provided.</p>	<p>Yes</p>
<p>4R Adaptive reuse</p> <p><u>Objective 4R-1</u> <i>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</i></p> <p>Design Guidance - Contemporary infill can create an interesting dialogue between old and new, adding to the character of a place</p> <p><u>Objective 4R-2</u> <i>Adapted buildings provide residential amenity while not precluding future adaptive reuse</i></p>	<p>N/A</p>	<p>N/A</p>
<p>4S Mixed use</p> <p><u>Objective 4S-1</u> <i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p>Design guidance - Mixed use development should be concentrated around public transport and centres - Mixed use developments positively contribute to the public domain.</p> <p><u>Objective 4S-2</u></p>	<p>An acceptable amount of active street frontage has been provided along Crown Street. Council required amended plans to provide activation in Harbour Street which has been achieved by provided of a retails space suitable for a café/coffee shop at the</p>	<p>Yes</p>

<p><i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Residential circulation areas should be clearly defined. - Landscaped communal open space should be provided at podium or roof levels 	<p>southern end of the Harbour Street elevation..</p>	
<p>4T Awnings and signage</p> <p><u>Objective 4T-1</u> <i>Awnings are well located and complement and integrate with the building design</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Awnings should be located along streets with high pedestrian activity and active frontages <p><u>Objective 4T-2</u> <i>Signage responds to the context and desired streetscape character</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development 	<p>Awnings have not been provided along the street frontages, however a generous colonnade space has been provided along the north and east, which provides pedestrians with increased amenity and weather protection.</p>	<p>Yes</p>
<p>4U Energy efficiency</p> <p><u>Objective 4U-1</u> <i>Development incorporates passive environmental design</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access) <p><u>Objective 4U-2</u> <i>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</i></p> <p>Design Guidance</p> <ul style="list-style-type: none"> - Provision of consolidated heating and cooling infrastructure should be located in a centralised location <p><u>Objective 4U-3</u> <i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>Adequate natural light has been provided to all habitable rooms.</p> <p>Generally acceptable</p> <p>Generally acceptable</p>	<p>Yes</p>

<p>4V Water management and conservation</p> <p><u>Objective 4V-1</u> <i>Potable water use is minimised</i></p> <p><u>Objective 4V-2</u> <i>Urban stormwater is treated on site before being discharged to receiving waters</i> Design guidance - Water sensitive urban design systems are designed by a suitably qualified professional</p> <p><u>Objective 4V-3</u> <i>Flood management systems are integrated into site design</i></p> <p>Design guidance - Detention tanks should be located under paved areas, driveways or in basement car parks</p>	<p>Satisfies BASIX requirements.</p> <p>Water tanks included. Flood and stormwater management is acceptable</p>	<p>Yes</p>
<p>4W Waste management</p> <p><u>Objective 4W-1</u> <i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p> <p>Design guidance - Common waste and recycling areas should be screened from view and well ventilated</p> <p><u>Objective 4W-2</u> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p>Design guidance - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas</p>	<p>Adequately sized waste rooms have been provided on ground floor which allows for manoeuvring between storage and collection points.</p> <p>A waste room and chute has been provided on every residential level to allow for convenient access by residents.</p>	<p>Yes</p>
<p>4X Building maintenance</p> <p><u>Objective 4X-1</u> <i>Building design detail provides protection from weathering</i></p> <p>Design guidance - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used.</p> <p><u>Objective 4X-2</u> <i>Systems and access enable ease of maintenance</i></p> <p>Design guidance</p>	<p>Material selection and detailing are appropriate for the location and considered acceptable.</p>	<p>Yes</p>

<p>- Window design enables cleaning from the inside of the Building</p>		
---	--	--

Objective 4X-3

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



CLAUSE 4.6 VARIATION STATEMENT

Demolition of existing buildings and structures and the construction of a fourteen storey shop top housing development, including car parking and associated earthworks and landscaping

44 Harbour Street
Wollongong

Prepared for: Wollongong Investments No 6 Pty Ltd

REF: M220262

DATE: 5 April 2023



Clause 4.6 Variation Statement – Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use (Clause 8.6)

1. INTRODUCTION

This Variation Statement has been prepared in accordance with Clause 4.6 of Wollongong Local Environmental Plan (WLEP) 2009 to accompany an application for demolition of existing structures, excavation and construction of a fourteen storey shop top housing development residential flat building over basement car parking (**Proposal**) at No. 44 Harbour Street, Wollongong (**the Site**).

Clause 8.6 (2) of Wollongong Local Environmental Plan 2009 (**WLEP**) is a development standard that relates to the minimum building separation distance between buildings within the B3 and B4 zones within the Wollongong City Centre (**Development Standard**).

2. BUILDING SEPARATION STANDARD

Clause 8.6 of WLEP 2009 prescribes the minimum building separation for developments in Zone B3 or B4 within Wollongong City Centre. It is therefore applicable to the proposed development. Clause 8.6 states the following:

“(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.”

3. PROPOSED VARIATION

The proposal provides adequate building setbacks to comply with the required building separation distances to the adjacent developments to both the west and the south up to 45m above ground level. Beyond 45m above ground level the proposal does not achieve the following requirement:

- 28m separation from any other building at 45 metres or higher above ground level.

The area of non-compliance relates solely to the roof plant areas on the roof levels of both the proposed development and the adjacent building at No 15-19 Crown Street.

Extracts from the architectural drawings showing the extent of non-compliance can be seen at **Figure 19** below.

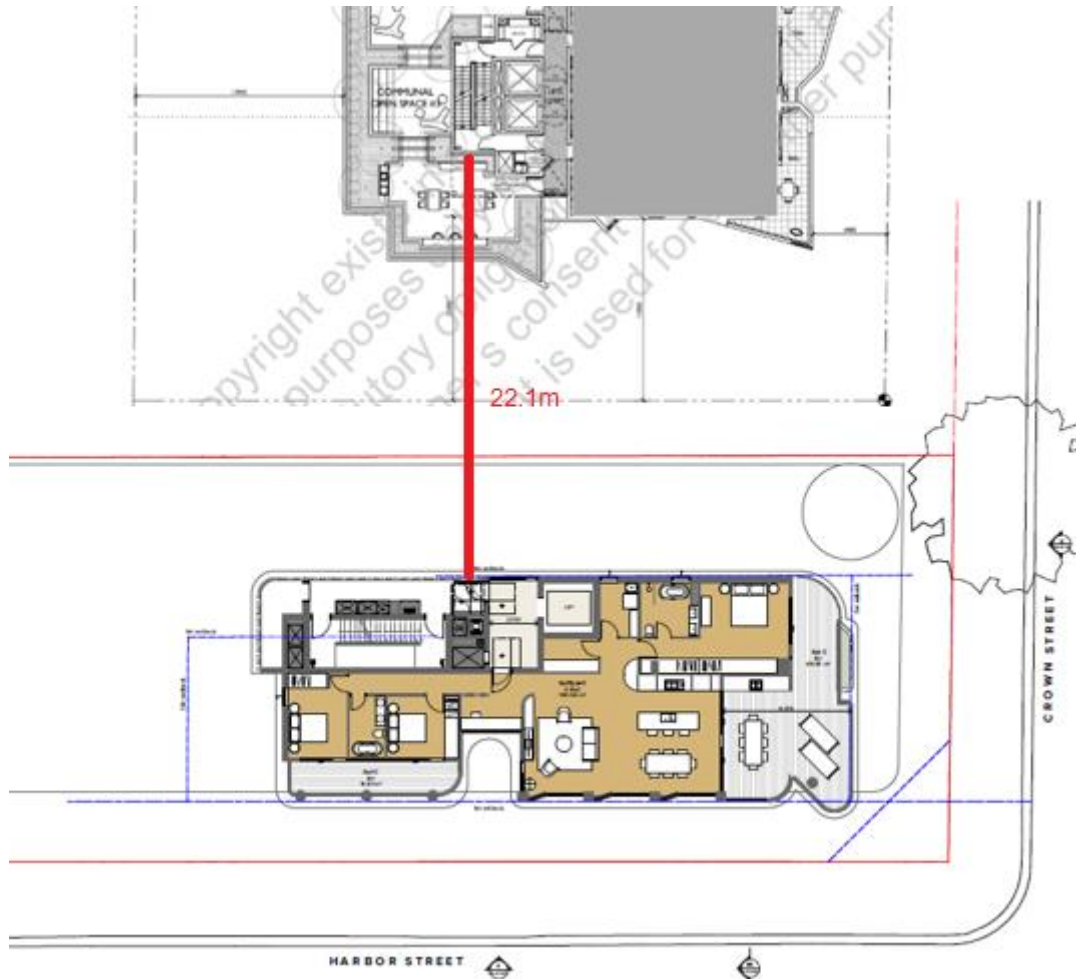


Figure 1 Building Separation non-compliance indicated in plan

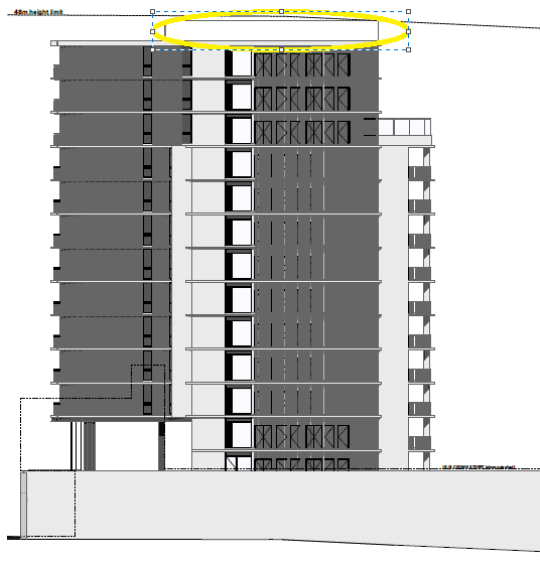


Figure 2 No 44 Harbour Street western elevation



Figure 3 No 15-19 Crown Street eastern elevation

Figures 20 and 21 indicate the extent of building separation non compliance indicated on the western elevation of the proposed development and the eastern elevation of the adjacent development to the west.

As such the proposed development is non-compliant with the requirements of Clause 8.6(2)(c) by a maximum of 5.9m.

The building separation control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

4. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of Clause 4.6 of WLEP are relevantly as follows:

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

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

(2) *Development consent may, subject to this clause, be granted for development even though the development would 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.*

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

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

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
- (a) the consent authority is satisfied that—
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,

(ca) clause 4.2A, 6.1 or 8.3.

It is noted that clause 8.6 of WLEP is not 'expressly excluded' from the application of Clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3) & (4) in order to demonstrate to Council that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in subclause 4.6(6).

Objective 1(b) of Clause 4.6 is addressed later in this request.

5. THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

In *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The Judgment goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the Judgment then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

“...although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”

Compliance with the building separation development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out in this statement. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard 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. Clause 4.6(4)(a)(ii) is addressed in Section 7 below.

6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

*“The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].”*

The assessment of this numerical non-compliance is also guided by the recent decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 whereby Justice Pain ratified the decision of Commissioner Pearson and in *Moskovich v Waverley Council* [2016] NSWLEC 1015.

The following environmental planning grounds are submitted to justify contravening the minimum building separation:

1. The building separation breaches enable the permissible floor space to be distributed to the upper levels of the building, where it provides apartments that will achieve superior amenity to a compliant scheme. The alternative compliant scheme would relocate that permissible floor space to the lower levels of the building, being the podium levels (Ground Levels and Mezzanine Level) that currently contain car parking and servicing areas.
2. The subject site is an underdeveloped constrained site in a dense urban location. It is constrained due to its relatively modest size – commensurate to the applicable controls. Insisting on strict compliance with the building separation controls would severely limit any development potential on the site, to the extent that it would be unviable to redevelop the site.



3. The part of the proposed development that is located at 45m and above is limited to roof plant. There will be no impact on privacy or solar access of adjoining property arising from the minor breach of the 28m building separation distance.
4. The proposed building separation non-compliances will not inhibit the future development potential of any adjoining sites. The subject site is last remaining undeveloped site located within the block bound by Crown Street, Harbour Street, Burelli Street and Corrimal Street.
5. The scale and form of the proposed development is consistent with the scale and form of other recent developments approved in Wollongong City Centre. As such, despite the numerical non-compliance relating to building separation, the variation will not result in a development that out of character with the emerging character of this part of the City Centre and the proposed development exhibits design excellence.
6. The proposal provides for a floor space ratio which complies with the maximum permitted under Clause 4.4A of WLEP 2009 and accordingly, the building separation non-compliance is not associated with additional density beyond what is expected by the controls or planned for the locality.
7. It is considered that there is an absence of any impact of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character. Specifically:
 - The extent of the non-compliance creates no additional adverse overshadowing to adjoining properties, with all neighbouring properties provided with compliant levels of solar access as prescribed by WDCP 2009;
 - The proposed apartments will receive excellent levels of cross ventilation and solar access, compliant with the ADG requirements;
 - The building separation non-compliance does not result in any additional privacy impacts.
 - The building separation does not result in any additional view loss. No significant or iconic views are provided through the site and the proposed development will not result in any loss of views or outlook when compared to a building with a compliant building setbacks.
8. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for a high quality mixed used development containing compatible retail and residential uses (1.3(c));
 - The proposed development will not adversely impact the heritage significance of heritage items in the vicinity of the site (1.3(f)); and
 - The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development. The reduced building separation will facilitate a high quality development with excellent levels of internal amenity that does not prejudice the character or appearance of the local streetscape or levels of residential amenity enjoyed by neighbouring properties.

The merits of the proposal on “environmental planning grounds” needs to be balanced with the burden that strict compliance places on the site and whether strict compliance will result in a sufficient outcome. The development has been designed to provide a high quality urban outcome, with the building designed so as to minimise impact on the views, privacy or amenity of neighbouring properties. The non-compliance has no perceptible adverse impact on the streetscape as it reads as part of a cohesive, high quality development.



To require strict compliance would therefore result in an unreasonable burden on the development with no demonstrable built form or amenity benefits.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

"87. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

88. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard."

For the reasons listed above, it is considered that there are sufficient environmental planning grounds to support a variation to building separation standard, particularly when one considers the benefits associated with locating residential floor space to the upper levels of the building, where it will achieve excellent levels of residential amenity.

7. CLAUSE 4.6(4)(a)

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 4 above (and furthermore in terms of meeting the objectives of the development standard, this is addressed in 8a below). Clause 4.6(3)(b) is addressed in Section 6 above.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 8 below.

8. 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 (CLAUSE 4.6(4)(a)(ii))

8a Objectives of the Development Standard

The objective of clause 8.6 is as follows:

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

In order to address the requirements of Subclause 4.6(4)(a)(ii), the objective of Clause 8.6 is addressed below.

Objective (1): to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access."

In terms of visual appearance, the proposed development provides a compliant FSR and thus a density that is anticipated for the site. Despite the building separation non-compliance, the proposed development achieves a scale and form that responds to the site context and is consistent with the emerging future character of the streetscape and Wollongong City Centre. Indeed, the proposed development revitalises a currently undeveloped and tired site, with a high quality development that will positively contribute to the streetscape and enable the future development of adjoining sites.

In terms of the impacts on future residential apartments on adjoining sites to the east, west and north, it is anticipated that those developments will also provide a nil setback to the shared boundary for the street wall height, consistent with the requirements under Clause 8.6 of WLEP 2009. Podium uses on the adjoining sites will likely be similar to the proposal and will not incorporate habitable rooms and balconies in close proximity to the shared boundary.

Shadow diagrams and views from the sun diagrams have been submitted with the application and demonstrate that neighbouring properties will not be unduly overshadowed by the proposed development, despite the building separation non-compliance. Furthermore, it is demonstrated that 21 (100%) of the proposed apartments will receive at least 2 hours of direct sunlight between 9am to 3pm on 21 June. This is compliant with the requirements of Part 4A of the ADG relating to solar access.

Thus, despite the numerical non-compliance, the proposed development is therefore consistent with the objective of the building separation development standard, providing a suitable scale and form that is compatible with the emerging character of the locality whilst ensure that satisfactory levels of visual privacy and solar access are achieved for both the proposed and neighbouring developments

Clause 4.6(4)(a)(ii) however also requires consideration of the relevant B4 Mixed Use zone objectives which are provided below:

- *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.*

Notwithstanding the variation, the proposal is consistent with the objectives of the Zone because:

- The proposal will provide a mixture of compatible retail and residential land uses suitable for the local and wider community;
- The retail employment opportunities will complement the community needs in a highly accessible location;
- Despite the building separation variation, the development exhibits design excellence and will encourage future high quality developments to be brought forward in Wollongong City Centre;

- The site will encourage and set a precedence for active streets and retail/commercial opportunities in this part of Wollongong City Centre, replacing the current underutilised site with a high quality mixed use development that will contribute to the vitality of the centre;
- Despite the building separation non-compliance, the proposed development will not give rise to any adverse impacts on the amenity of future residents or neighbouring occupants or the wider locality in general; and
- The development provides the compliant amounts of car and bicycle parking and will not give rise to adverse levels of traffic generation or impacts on the local road and transport network, despite the building separation non-compliance.

For these reasons the proposal is consistent the relevant objectives for development in Zone B4.

Accordingly, the consent authority can be satisfied that the Proposal is in the public interest, because it is consistent with the objectives of both the development standard and the zone.

5. THE CONCURRENCE OF THE SECRETARY HAS BEEN OBTAINED (CLAUSE 4.6(4)(b))

The issue of the concurrence of the Secretary of the Department of Planning and Environment is dealt with by Planning Circular PS 20-002 'Variations to development standards', dated 5 May 2020. This circular is a notice under clause 55(1) of the Environmental Planning and Assessment Regulation 2021. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The circular provides for assumed concurrence.

Concurrence cannot be assumed for a request for a variation to a numerical standard by more than 10 per cent if the function is to be exercised by a delegate of the consent authority. This restriction does not apply to decisions made by local planning panels, who exercise consent authority functions on behalf of councils but are not legally delegates of the council. As such, it is anticipated that the development application will be determined by the local planning panel.

The Secretary can be assumed to have given concurrence to the variation.

6. CONCLUSION

This written request has been prepared in relation to the proposed variation to the building separation development standard contained in WLEP 2009.

Having regard to all of the above, it is our opinion that compliance with the building separation development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.

ATTACHMENT 8 – WDCP 2009 Compliance Table

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency. A detailed assessment table of Chapter D13 is provided in the table below. The application generally complies with the controls contained within this chapter though there are some variations identified in bold within the compliance tables. These variations are discussed within the table.

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.2 Building to street alignment and street setbacks</u> Build to 3m from the street alignment. Except in Crown Street (nb. northern side only east of Corrimal Street) and Corrimal Street (between Market and Stewart Streets), where building frontage is to be built to street alignment.	Setbacks provided:	
<u>2.3 Street frontage heights in Commercial core</u> The street frontage height of buildings are not to be less than 12m or greater than 24m above mean ground level on the street front	Not applicable to MU1 Mixed Use zone	N/A
<u>2.4 Building depth and bulk</u> Residential and serviced apartments outside the Commercial Core – max floor plate 900m ² <u>2.5 Side and rear building setbacks and building separation</u> <u>MU1 Zone:</u> <ul style="list-style-type: none"> Up to street frontage height (24m): 0m to side & rear All uses (including non habitable residential) above street frontage height: 6m to side & rear <ul style="list-style-type: none"> All uses above 45m: 14m • Note: building separation is governed by Clause 8.6 of WLEP 2009 for which a development departure is sought.	Proposed max floor plate =310m ² Setbacks provided:	Yes
<u>2.6 Mixed used buildings</u>		Yes

<ul style="list-style-type: none"> • Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor. • In the B4 Mixed Use zone, the ground floor and first levels of a building shall incorporate a minimum 3 metre floor to ceiling height clearance, to maximise the flexibility in the future use of the building. • Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook. • Locate clearly demarcated residential entries directly from the public street. • Clearly separate and distinguish commercial and residential entries and vertical circulation. • Provide security access controls to all entrances into private areas, including car parks and internal courtyards. • Provide safe pedestrian routes through the site, where required. • Front buildings onto major streets with active uses. • Avoid the use of blank building walls at the ground level. 	<p>Floor to ceiling height at ground level is # m.</p> <p>Appropriate separation of commercial and residential uses is provided in terms of access points, pedestrian routes, servicing and parking.</p> <p>Active street frontages with minimal blank walls facing streets.</p>	
<u>2.7 Deep soil zone</u>	Not required for commercial buildings	N/A
<u>2.8 Landscape design</u>	Landscape plan is generally acceptable and is compatible with the civil and stormwater plans. A number of conditions are recommended in relation to landscaping matters	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	Planting on structures will be provided on non-trafficable roof areas. These are required through conditions of consent that were recommended by Council's Landscape Architect.	Yes
<u>2.10 Sun access planes</u>	The proposed building will not cast shadows on any areas subject to the sun	N/A

	access planes	
<u>2.11 Development on classified roads</u>	N/A	N/A

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.2 Permeability</u> Site links, arcades and shared laneways are to be provided as shown in figure 3.1	No site links required. The proposal takes advantage of existing laneway to enhance pedestrian movement	N/A
<u>3.3 Active street frontages</u> Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front. Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. Active office uses, such as reception, if visible from the street. <ul style="list-style-type: none"> • In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level. • Active street fronts are required along streets for all buildings in the Commercial Core • Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street. 	The development will provide for activation of the Crown Street frontage.	Yes
<u>3.4 Safety and security</u> <ul style="list-style-type: none"> • Ensure that the building design allows for casual surveillance of accessways, entries and driveways. • Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks. • Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. • Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance Provide clear lines of sight and well-lit routes throughout the development.	The proposal is satisfactory with regard to safety and security issues. Prominent entrances are provided and adequate sightlines are maintained. Treatment of Moore Land and its intersection with Crown Street addresses need for pedestrian priority.	Yes

<ul style="list-style-type: none"> • Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. • For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles. • Provide security access controls where appropriate. • Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone 		
<u>3.5 Awnings</u> <ul style="list-style-type: none"> • Continuous street frontage awnings are to be provided to Crown Street. (not required in Harbour Street (Fig. 3.6)) 	Continuous awning is provided along Crown Street in front of the retail area.	Yes
<u>3.6 Vehicular footpath crossings</u> <ul style="list-style-type: none"> • 1 vehicle access point only (including the access for service vehicles and parking for commercial uses) will be generally permitted • Double lane crossing with a maximum width of 5.4 metres may be permitted • Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade. • Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street 	One vehicle access point is proposed off Moore Lane at the rear of the site. The basement entry, loading dock and waste rooms are located behind the building façade. The vehicular access and loading arrangements are satisfactory to Council's Traffic engineer	Yes
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	N/A	N/A
<u>3.8 Building exteriors</u>		
<ul style="list-style-type: none"> • Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment and street frontage heights; setbacks above street frontage heights; appropriate materials and finishes selection; façade proportions including horizontal or vertical emphasis; • Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of 	Artist impressions, perspective views and details of material/ finishes were lodged with the application. The building exteriors have been considered by the Design Review Panel and are considered to be of an appropriate quality. The lift overruns and services are integrated into the overall building design. The proposed building is considered to respond well to the streetscape and heritage constraints and generally reflects the existing character of the locality as outlined in the applicable	Yes

<p>setback areas of buildings are encouraged.</p> <ul style="list-style-type: none"> • Articulate facades so that they address the street and add visual interest. • External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. • 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. • To assist articulation and visual interest, avoid expanses of any single material. • Limit opaque or blank walls for ground floor uses to 30% of the street frontage. <p>Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.</p> <ul style="list-style-type: none"> • Highly reflective finishes and curtain wall glazing are not permitted above ground floor level • 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. • Minor projections up to 450mm from building walls in accordance with those permitted by the BCA may extend into the public space providing it does not fall within the definition of GFA and there is a public benefit. • The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building. 	<p>planning controls. The tower represents a continuation of similar in the locality. The proposal is satisfactory to the Council's Design Expert and other officers in relevant Council divisions. A colour & material schedule has been provided. High quality and durable materials and finishes are proposed. Roof top structures/ plant/ services will be setback from view. A condition is recommended limiting material reflectivity.</p>	
<p><u>3.9 Advertising and signage</u></p>	<p>The proposal does not include any signage. Conditions requiring separate consent for any future signage have been included on the draft consent.</p>	<p>Yes</p>
<p><u>3.10 Views and view corridors</u></p> <ul style="list-style-type: none"> • Existing views shown in Figure 3.12 are to be protected to an extent that is practical. • Align buildings to maximise 	<p>The potential impacts posed by the proposal have been considered. View loss will occur towards the east however this is unavoidable</p>	<p>Yes</p>

view corridors between buildings	given the size and orientation of the site in relation to adjacent development.	
<u>4 Access, parking and servicing</u>		
<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.2 Pedestrian access and mobility</u> <ul style="list-style-type: none"> • Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. • The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard and the Disability Discrimination Act 1992. • The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor. • The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access. • Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain. • Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1, AS/NZS 2890.1:2004 and the DDA. 	<p>The proposed development provides for accessible entry in accordance with AS1428 and AS2890</p> <p>The proposed development provides for barrier free entry from Crown Street (retail) and Harbour Street (residential).</p>	Yes
<u>4.3 Vehicular driveways and manoeuvring areas</u> <ul style="list-style-type: none"> • Driveways should be: <ul style="list-style-type: none"> i) Provided from lanes and secondary streets rather than the primary street, wherever practical. ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees. iii) Located a minimum of 6m from the nearest intersection iv) If adjacent to a residential development setback a minimum 	<p>One vehicle access point is proposed to/from Harbour Street.</p> <p>The driveway location is appropriate being distant from nearby intersections and does not conflict with any services in the road reserve.</p> <p>Driveway width is acceptable and manoeuvring areas comply with applicable controls.</p> <p>The proposal allows access for a Medium Rigid Vehicle for servicing.</p>	Yes

<p>Yes of 1.5m from the relevant side property boundary.</p> <ul style="list-style-type: none"> • Vehicle access is to be designed to: <ul style="list-style-type: none"> i) Minimise the impact on the street, site layout and the building façade design; and ii) If located off a primary street frontage, integrated into the building design. • All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn • Driveway widths must comply with the relevant Australian Standards. • Car space dimensions must comply with the relevant Australian Standards. • Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard • Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development. 	<p>Car space dimensions and vehicle ramp grades comply with the relevant standards.</p> <p>No uncovered carparking spaces are proposed.</p> <p>All vehicles can turn on site and leave in a forward direction.</p>	
<p><u>4.4 On-site parking</u></p>		
<p><input type="checkbox"/> On-site parking must meet the relevant Australian Standard</p> <ul style="list-style-type: none"> • Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council. • Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking. • Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future. • On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with 	<p>The proposal provides for parking on ground level and within two basement levels.</p> <p>The number of parking spaces provided accords with the provisions of WDCP 2009 Chapter E3 and the Apartment Design Guide.</p>	

<p>Part E of this DCP.</p> <ul style="list-style-type: none"> • To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking. 		
<u>4.5 Site facilities and services</u>		
<p>Mail boxes – provide in an accessible location adjacent to the main entrance; integrated into a wall where possible and be constructed of materials consistent with the appearance of the building.</p> <p>Letterboxes to be secure and of sufficient size</p> <p>Communication structures, air conditioners and service vents -locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.</p> <p>Waste storage and collection</p> <p>Service docks and loading/unloading areas</p> <ul style="list-style-type: none"> • Provide adequate space within any new development for the loading and unloading of service/delivery vehicles. • Preferably locate service access off rear lanes, side streets or rights of way. • Screen all service doors and loading docks from street frontages and from active overlooking from existing developments. • Design circulation and access in accordance with AS2890.1. 	<p>Provision has been made for on-site servicing and deliveries.</p> <p>The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development however it is noted that Endeavour Energy do not require a substation to service the building.</p> <p>Adequate waste storage rooms will be located on ground level behind the commercial tenancies. On-site collection is proposed. There is sufficient manoeuvring area for servicing.</p> <p>Loading area and dock proposed within the building. sufficient size and adequate manoeuvring area provided.</p> <p>Conditions are imposed in relation to the management of waste and bins.</p>	

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.2 Energy efficiency and conservation</u>	A NATHERS Energy Rating Certificate was provided with the DA which demonstrates the building will achieve a 5.6 star Rating.	Yes
<u>5.3 Water conservation</u>	Low water usage fittings to be used	Yes
<u>5.4 Reflectivity</u>	Limit material reflectivity by consent condition.	Yes with conditions
<u>5.5 Wind mitigation</u>		

A wind impact statement required for buildings over 32m in height	Wind Report provided. The report makes no recommendation in respect of design to achieve recommended standards.	Yes
<u>5.6 Waste and recycling</u>	Waste management arrangements are satisfactory	Yes

6 Residential development standards

See ADG Assessment – Attachment 6

7 Planning controls for special areas

The site is not located within a special area.

8 Works in the public domain

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

PRECINCT PLAN – WOLLONGONG CITY CENTRE

The proposal is considered to be consistent with the objectives of the MU1 Mixed Use zone within the City Centre precinct.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

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

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

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Under awning lighting proposed. No light spill impacts are expected.	Yes
<u>3.2 Natural surveillance and sightlines</u>	Opportunities for natural surveillance of the footpaths will be available.	Yes
<u>3.3 Signage</u>	Acceptable	Yes
<u>3.4 Building design</u>	The design is considered to adequately respond to CPTED principles. There are minimal concealment or entrapment opportunities evident on the plans.	Yes
<u>3.5 Landscaping</u>	Landscaping treatment will not result in any concealment opportunities in any unsecure places.	Yes

<u>3.6 Public open space and parks</u>	N/A	N/A
<u>3.7 Community facilities and public amenities</u>	N/A	N/A
<u>3.8 Bus stops and taxi ranks</u>	N/A	N/A

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

Car parking, access and servicing facilities have been resolved to the satisfaction of Council's Traffic engineer. Adequate car parking is provided and onsite loading and waste collection is provided, accessed off Harbour Street.

CHAPTER E6: LANDSCAPING

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

CHAPTER E7: WASTE MANAGEMENT

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

CHAPTER E9: HOARDINGS AND CRANES

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

CHAPTER E11: HERITAGE CONSERVATION

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

CHAPTER E12: GEOTECHNICAL ASSESSMENT

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

CHAPTER E13: FLOODPLAIN MANAGEMENT

The site is not flood affected.

CHAPTER E14: STORMWATER MANAGEMENT

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

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

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

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

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

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The proposal is satisfactory with regard to Clause 7 of SEPP 55; refer to Section 2.1.1 of the report in this regard.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

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

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

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

Attachment 9 – Draft Conditions

DRAFT CONDITIONS FOR: DA-2023/124

For Office Use Only – Do Not Mail

Consent has been granted subject to the following conditions:

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
DA-100-001	N	Site Plan	Turner	25/10/23
DA-110-001	N	Roof Plan	Turner	25/10/23
DA-110-006	N	Basement 02	Turner	25/10/23
DA-110-007	N	Basement 01	Turner	25/10/23
DA-110-008	N	Ground Floor	Turner	25/10/23
DA-110-010	N	Level 01	Turner	25/10/23
DA-110-020	N	Level 02	Turner	25/10/23
DA-110-030	N	Level 03-10	Turner	25/10/23
DA-110-110	N	Level 11	Turner	25/10/23
DA-110-120	N	Level 12-13	Turner	25/10/23
DA210-101	N	North Elevation	Turner	25/10/23
DA210-201	N	East Elevation	Turner	25/10/23
DA210-301	N	South Elevation	Turner	25/10/23
DA210-401	N	West Elevation	Turner	25/10/23
DA-310-101	N	Section A	Turner	25/10/23
DA-310-201	N	Section B & C	Turner	25/10/23
DA-PD-101	C	Public Domain Plan – Crown Street	Canvas Architects	26/10/23

DA-PD-102	C	Public Domain Plan – Typical Details	Canvas Architects	26/10/23
DA-101	C	Landscape Plan: Ground Floor	Canvas Architects	26/10/23
DA-102	C	Landscape Plan: Level 01	Canvas Architects	26/10/23
DA-103	C	Landscape Plan: Level 02, Level 03 to 10 & Level 11	Canvas Architects	26/10/23
DA-104	C	Landscape Plan: Level 01 - Soil Depth	Canvas Architects	26/10/23
DA-L105	C	Landscape Typical Details & Maintenance Schedule	Canvas Architects	26/10/23
DA-L106	C	Landscape Plant Schedule & Image Palette	Canvas Architects	26/10/23

Document Title	Version No	Prepared By	Dated
Preliminary Geotechnical Assessment		El Australia	09/12/22
Traffic Noise Assessment & NCC Assessment (BCA) Assessment	Ref. R220579R1 Revision 2	Rodney Stevens Acoustics	07/09/23

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

General Conditions

2. Stormwater Quality Management

- The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%
- It is strata management responsibility to maintain the stormwater filtration system.

Reason:

To comply with Council's Development Control Plan.

3. Comply with Geotechnical Report

The applicant must carry out all recommendations contained in the geotechnical report dated 9 December 2022 in order to ensure the structural design will incorporate the site geotechnical constraints to achieve the acceptable risk level as defined by Council's Geotechnical DCP.

- A detailed geotechnical investigation is required for the design of site preparation earthworks.
- A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the

geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

- f. An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- g. All recommendations of EI Australia in their preliminary geotechnical report dated 9 December 2022 are to be accommodated in the earthworks plan.
- h. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- i. The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation works.
- j. Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- k. At the completion of site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development.
- l. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

4. Tree Retention/Removal

The developer shall retain the existing tree(s) as numbered and described in Arboricultural Impact Assessment Report by David Gowenlock dated 8 December 2022 consisting of tree(s) numbered 4 *Platanus acerifolia*.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites.

All recommendations in the Arboricultural Impact Assessment by Arboricultural Impact Assessment Report by David Gowenlock dated 8 December 2022 are to be implemented including and not restricted to: canopy pruning, remedial tree pruning, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

Reason:

To clarify permitted tree removal.

5. Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the Developer to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

Reason:

To comply with the legislation.

6. Mailboxes

The Developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150mm in height for each number and letter in the alphabet.

Reason:

To comply with Australia Post requirements.

7. Separate Consent Required for Advertising Signage

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

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

Reason:

To comply with the legislation.

8. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$139,700.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution amount go www.wollongong.nsw.gov/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.gov.au.

Reason:

To ensure the development contributes to the provision of local infrastructure, through the payment of development contributions.

Before the Issue of a Construction Certificate

9. Before the Issue of a Construction Certificate - NCC Section J Report

A NCC Volume 1, Section J compliance report shall be prepared to demonstrate compliance with the relevant requirements and submitted to Council for endorsement prior to the issue of the Construction Certificate.

Reason:

To satisfy the requirements of the legislation.

10. Water Heating and Stoves to be electric

The residential component of the development is to be serviced by electric hot water and electric cooktops/stoves. This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Principal Certifier, prior to the issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

11. NatHERS Certificate

Updated NatHERS certificates demonstrating an average NatHERS rating of 7 stars for the development are to be submitted to Council prior to the issue of the Construction Certificate. This shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Principal Certifier, prior to the issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

12. Crime Prevention Through Environmental Design (CPTED) - Design Measures

The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:

- Landscape treatment which allows visibility from the road way and other public areas;
- landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,
- provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with the legislation.

13. Unexpected Finds Protocol

Prior to issue of construction certificate a copy of unexpected finds protocol must be submitted to council. The UFP must be prepared by a suitable qualified and experienced environmental consultant. Unexpected contamination or hotspots on a site should be taken into account for any site health and safety plan. Precautions should be included in the plan, including:

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

Reason:

To satisfy the requirements of the legislation.

14. Construction Environmental Management Plan

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

15. Crime Prevention Through Environmental Design (CPTED) - Design Measures

The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:

- a. Landscape treatment which allows visibility from the road way and other public areas;
- b. landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,
- c. provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- d. ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with the legislation.

16. Change in Driveway Paving

A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications from Wollongong City Council Standard Engineering Drawings. The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

17. Final Landscape Plan Requirements

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

- a. deletion of the following plant species since they are unsuitable for podium planting *Angophora costata*, *Corymbia maculata*, *Eucalyptus haemastoma*;
- b. planting of palm species native to the Illawarra Region such as: *Archontophoenix cunninghamiana* Bangalow palm, *Livistona australis* Cabbage palm tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- c. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- d. The location of drainage lines shall be clear of proposed trees.
- e. The size of the tree pit to the existing street tree must be increased to a minimum of two metres width. The tree pit must be infilled with permeable pavement equal to 40mm depth 'Filter Paver' installed on a 30mm crushed blue metal. Colour: Titanium

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

Reason:

To comply with Council's Development Control Plan.

18. Certification for Landscape and Drainage

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

Reason:

To comply with Council's Development Control Plan.

19. Tree Protection and Management

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

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- b. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch.

Reason:

To ensure retention of existing trees

20. Footpath Paving City Centre

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

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

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

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

A detailed landscape and civil engineering design for footpath is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services. The detailed civil engineering design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of a Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

21. Street Trees

The developer must address the Harbour street frontage by installing street tree planting. The number and species for this development four (4) Cupaniopsis anacardioides 200 litre container size, in accordance with AS 2303:2018: Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed with tree grates and guards in accordance with City Centre Public Domain Technical Manual and installed to the satisfaction of Wollongong City Council's Development Engineering Manager.

Reason:

To comply with Council's Development Control Plan.

22. Council Footpath Reserve Works – Driveways and Crossings

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve.

The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

Reason:

To comply with Council's Development Control Plan.

23. Crown and Harbour Street – Detailed Civil Engineering Design – Council Land

A detailed civil engineering design shall be provided for the proposed footpath and drainage works within the road reserve and/or Council land. The details must be submitted to and approved by Council's Development Engineering Manager. The detailed civil engineering design shall be prepared by a suitably qualified practicing Civil Engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the [Smart Structures Australia Plans Issue B](#) and shall include:

- a. Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels - and shall extend a minimum of 5 metres beyond the limit of works.
- b. Footpath longitudinal sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.
- c. Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d. Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e. All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.
- f. Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves. Pavement designs must be provided for road reconstruction works, the pavement must be designed by a suitably qualified Engineer to the expected traffic loadings and type.

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

Reason:

To comply with Council's Development Control Plan.

24. Street Trees City Centre

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

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

Reason:

To comply with Council's Development Control Plan.

25. Water/Wastewater Entering Road Reserve

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

26. Stormwater Connection to Kerb

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

Reason:

To comply with Council's Development Control Plan.

27. Sizing of Drainage

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

Reason:

To comply with Council's Development Control Plan.

28. Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s, prepared by Smart Structures Australia, Reference No. 220368 Sheets D01,D02,D03, D04, Revision A dated 15.11.22.and and Sheet D05 Revision B dated 17.11.22.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Council's Development Control Plan.

29. On-Site Stormwater Detention (OSD) Design

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

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - ii. Identification number DA-2023/124.
 - iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

Reason:

To comply with Council's Development Control Plan.

30. No Adverse Runoff Impacts on Adjoining Properties

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.

Reason:

To protect neighbourhood amenity.

31. Flows from Adjoining Properties

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

Reason:

To protect neighbourhood amenity.

32. Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that

drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

Reason:

To comply with Council's Development Control Plan.

33. Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

Reason:

To comply with Council's Development Control Plan.

34. Heritage Excavation Permit

The applicant must obtain an excavation permit from the NSW Heritage under Section 140 of the NSW Heritage Act 1977 before any works commence. A copy of the Permit should be provided to Council's Heritage Staff for their information.

Reason:

To satisfy the requirements of the legislation.

35. Interpretation Plan

An interpretation plan is to be provided to Council for written approval to guide appropriate the delivery of onsite heritage interpretation material and interpretive devices, to reference the history of the site, its past ownership interpretation that acknowledged the significance of the site in the history of development of the area. The details of the proposed plan are to be provided to Council's Heritage Officers for written approval prior to release of Construction Certificate.

In the event that relics or archaeology are located during the course of the works these relics and details of the archaeological find are to be considered for inclusion in the interpretative plan and any resulting interpretation material.

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

Reason:

To ensure heritage considerations are met.

36. Car Parking and Access

The development shall make provision for the following:

Residential

- 24 residential car parking spaces (including 3 spaces capable of adaption for people with disabilities).
- 5 residential visitor car parking spaces
- 2 residential motorcycle parking spaces
- 7 secure (Security Class B) residential bicycle spaces
- 2 residential visitor bicycle spaces (Security Class C)

Retail

- 3 retail car parking spaces (including 1 car parking space for people with disabilities)

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

Reason:

To comply with Council's Development Control Plan.

37. Parking Dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

38. Bicycle Parking Facilities

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To satisfy the requirements of Australian Standards.

39. Disabled Person Parking Space Dimensions

Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

40. Vehicular Flow Signage

Suitable barriers, line-marking and painted signage delineating vehicular flow movements must be provided within the car parking areas. These details shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

41. Structures Adjacent to Driveway

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

Reason:

To ensure compliance with Australian Standards.

42. Reconfiguration of Basement 2 to Ensure that a Total of 3 Adaptable Car Parking Spaces are Provided

Proposed car parking space number 14 in Basement 2 is to be amended to be shown as a disabled shared area with the spaces either side identified as accessible spaces capable of adaption for people with disabilities. Details of such compliance are to be reflected on the Construction Certificate plans.

Reason:

To provide the correct number of adaptable car parking spaces.

43. Car Parking and Traffic Management Report to include Design and Certification of Car Park Traffic Signals

The applicant shall provide car park traffic signals within the basement car park to manage conflicts near the entrance to all basement ramps and within parking aisles where two-way vehicle travel cannot be achieved. The operation and management of the traffic signals shall be detailed in a Car Parking and Traffic Management Report. The report shall outline how the proposed signals system will be maintained and managed by the appropriate Body Corporate.

The responsibilities of the Body Corporate in relation to the required upkeep and maintenance of the signals shall be detailed and referenced in the Car Parking and Traffic Management Report. The satisfactory operation of the signals is to be certified by an experienced and qualified Traffic Engineer. These details shall be demonstrated prior to the issue of the Construction Certificate.

Reason:

To ensure site safety.

44. Security Roller Shutters for Basement Car Parking Areas

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

Reason:

To comply with Council's Development Control Plan.

45. Present Plans to Sydney Water

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

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

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

Reason:

To satisfy the requirements of the legislation.

46. Sydney Water Section 73 Compliance Certificate

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

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

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

Reason:

To satisfy the requirements of the legislation.

47. Utilities and Services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.

- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

Reason:

To ensure relevant utility and service providers' requirements are provided to the certifier.

48. Schedule of External Building Materials/Finishes

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) shall be submitted for the separate approval of Wollongong City Council Heritage Officers, prior to the release of the Construction Certificate.

Reason:

To ensure the development is compatible with the surrounding environment.

49. Glass Reflectivity Index

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

Reason:

To comply with Council's Development Control Plan.

50. Disabled Access and Facilities

The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS 1428.1:2009: Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To satisfy the requirements of the legislation.

51. Crime Prevention through Environmental Design (CPTED) - Public Spaces

The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS 1158:1999 or AS 4360:1999 (only appropriate if the land is in public ownership). This requirement shall be reflected on the Construction Certificate plans.

Reason:

To satisfy the requirements of Australian Standards.

52. Designated Loading/Unloading Facility

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

Reason:

To comply with Council's Development Control Plan.

53. Final Geotechnical Report

The submission of a final geotechnical report, prepared by an approved geotechnical consultant, to the Principal Certifier for approval is required prior to the issue of the Construction Certificate. The final report must include the results of subsurface investigations involving either test pits to bedrock preferably the drilling of cored boreholes to one (1) metre below the proposed final excavation level. This report shall include, but is not necessarily limited to, the following:

- a. extent and stability of proposed embankments (particularly those acting as detention basins);
- b. recommended geotechnical testing requirements;

- c. required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
- d. compaction specification for all fill within private subdivisions;
- e. the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering plans shall be amended to indicate that no vibratory rollers shall be used within that zone;
- f. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
- g. the preferred treatment of any unstable areas within privately owned allotments;
- h. requirement for subsurface drainage lines;
- i. overall suitability of the engineering plans for the proposed development;
- j. indication of the nature and depth of any uncontrolled fill at the site;
- k. nature and condition of the material to be excavated;
- l. existence and nature of groundwater seepages or intrusions;
- m. required temporary measures for support of any excavations deeper than one (1) metre adjacent to property boundaries;
- n. statement of required excavation methods in rock and measures required to restrict ground vibrations; and
- o. other geotechnical information considered relevant to the provision of temporary support structures and/or the design and construction of the approved development.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

54. Construction Site Management Plan

Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter of the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures

- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason:

To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

55. Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as doors or ventilation louvres.

Reason:

To comply with Council's Development Control Plan.

56. Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

Reason:

To comply with Council's Development Control Plan.

57. Excavation and Retaining Structures Adjacent to Public Roads

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

- A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- A dilapidation survey of the existing Council infrastructure

Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

Reason:

To ensure compliance with Technical Specifications.

58. Ground Anchors

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

Reason:

To ensure compliance with Technical Specifications.

59. Dilapidation Report

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of

what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Reason:

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

Before the Commencement of Building Work

60. Unexpected Finds Procedure

The consent holder must ensure an Unexpected Contaminated Land, Acid Sulfate Soils and Asbestos Finds Procedure is prepared and submitted to the Principal Certifier before the commencement of any works. The Unexpected Contaminated Land and Asbestos Finds Procedure must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during excavation and construction. This shall be incorporated into the CEMP.

Reason:

To satisfy the requirements of the legislation.

61. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

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

Reason:

To satisfy the requirements of the legislation.

62. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

63. Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

- a. a standard flushing toilet, and
- b. connected to either:

- i. the Sydney Water Corporation Ltd sewerage system or
- ii. an accredited sewage management facility or
- iii. an approved chemical closet.

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

Reason:

To satisfy the requirements of the legislation.

64. Structural Engineer's Details

Structural Engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

Reason:

To ensure structural integrity.

65. Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.

Reason:

To satisfy the requirements of the legislation and Australian Standards.

66. Demolition Works

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

67. Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works

At least five (5) days' notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information:

- a. a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
- b. details of the primary contractor and/or company conducting the demolition works;
- c. the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.

Reason:

To advise neighbourhood.

68. Contaminated Roof Dust

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

Reason:

To ensure safety.

69. Survey Report - Siting of Development within Property Boundaries

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

Reason:

To ensure correct development location.

70. Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$20 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.

Reason:

To satisfy Council's Policy.

71. Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

Reason:

To protect neighbourhood amenity.

72. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect neighbourhood amenity.

73. Sediment Control Measures

The Developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Reason:

To protect neighbourhood amenity.

74. Depth/Location of Services

The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

Reason:

To ensure services are not impacted.

75. Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

Reason:

To ensure services are not impacted.

76. Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a. proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

Reason:

To satisfy the requirements of the legislation.

77. Adjustment to Public Utility Service

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the Developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the Developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

Reason:

To ensure services are not impacted.

78. Hazardous Material Survey

At least one (1) week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a. the location of hazardous materials throughout the site;
- b. a description of the hazardous material;
- c. the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d. an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f. identification of the disposal sites to which the hazardous materials will be taken.

Reason:

To comply with Council's Development Control Plan.

79. Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier prior to the commencement of any works).

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

Reason:

To comply with Council's Development Control Plan.

80. Consultation with SafeWork NSW - Prior to Asbestos Removal

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

Reason:

To satisfy the requirements of the legislation.

81. Waste Management

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

Reason:

To comply with Council's Development Control Plan.

82. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures

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

Reason:

To comply with Council's Development Control Plan.

83. Archaeological Research Design

The Archaeological Research Design (ARD) prepared by Sustainable Heritage dated 05 June 2023 should be updated to support a s.140 application to be submitted to the NSW Heritage Council. An Excavation Director must be nominated for that application and ongoing archaeological management.

Reason:

To ensure heritage considerations are addressed.

84. Works in Road Reserve - Minor Works

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

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

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

Reason:

To satisfy the requirements of the legislation.

While Building Work is Being Carried Out

85. Restricted Hours of Construction Work

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the Council in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;

- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation such as Noise Guidelines for Local Government January 2023 may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

Reason:

To mitigate adverse amenity impacts in the locality

86. Rock Breaking, Rock Hammering, Rock sawing, Sheet Piling, Pile Driving

Rock breaking, rock hammering, rock sawing sheet piling, pile driving may only be carried out between the following hours:

- a. 9:00am to 12:00pm, Monday to Friday;
- b. 2:00pm to 5.00pm Monday to Friday; and
- c. 9:00am to 1:00pm Saturday.

No blasting is permitted unless written approval is granted by Wollongong City Council.

Reason:

To mitigate adverse amenity impacts in the locality

87. Responsibility for changes to public infrastructure

While building work is being carried out, the Developer must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerbs and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason:

To comply with Council's Development Control Plan.

88. Level 1 Supervision

All earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.

Reason:

To comply with the Australian Standard.

89. Foundation Inspections

All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Reason:

To comply with Council's Development Control Plan.

90. Waste Inventory Report

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

- a. The description of material (including identified hazardous material);
- b. an estimate of the quantity by volume and weight;
- c. the transporter and registration details of the relevant vehicle;

- d. the intended destination of the material;
- e. a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

Reason:

To comply with Council's Development Control Plan.

91. Waste Inventory

A copy of the Waste Inventory which was maintained on-site during the demolition work and copies of relevant receipts of waste material being deposited at a waste disposal facility shall be forwarded to the Principal Certifier and Council's Regulation and Enforcement Division (in the event that Council is not the Principal Certifier), within fourteen (14) days of the completion of works.

Reason:

To comply with Council's Development Control Plan.

92. Demolition Operations Not to Discharge Pollutants

Demolition operations must not lead to the discharge of materials into the stormwater drainage system or natural watercourse.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

93. New Information/Unexpected Finds

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

Reason:

To satisfy the requirements of the legislation and ensure safety.

94. PCB Containing Electrical Equipment

If any metal cased capacitors are found during demolition works that were previously identified or unidentified they shall be treated as containing Polychlorinated Biphenyls (PCBs). Details on storing, conveying and disposing of PCB material or PCB wastes can be found in *Polychlorinated Biphenyls Management Plan*, Environmental Protection & Heritage Council, Revised Edition April 2003.

Reason:

To satisfy the requirements of the legislation.

95. Removal of Synthetic Mineral Fibre

All Synthetic Mineral Fibre (SMF) containing materials must be removed in accordance with the National Standard for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:1004 (1990)] and the National Code of Practice for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:2006 (1990)].

Reason:

To satisfy the requirements of the legislation.

96. Disposal of Asbestos

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>).

Reason:

To satisfy the requirements of the legislation.

97. Lead Based Paint

To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

Reason:

To satisfy the requirements of the legislation.

98. Waste Classification and Disposal of Contaminated Soil and Material(s), Solid and Liquid

- a) All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with the *Protection of the Environment (Waste) Regulation 2014* and related guidelines, in particular NSW EPA *Waste Classification Guidelines* (2014), prior to off-site disposal.
- b) The waste classification report, including the results of testing, must be compiled, or reviewed and approved by an appropriately qualified and certified consultant, and must be submitted to and approved by Council before off-site disposal. The front cover of the report must include the details of the consultant's certification. A certified contaminated land consultant is a contaminated land consultant certified under either:
 - i. the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) (CEnvP(SC)) scheme; or
 - ii. the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.
- c) All waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste.
- d) Receipts for the disposal of the waste must be submitted to council within 14 days of the waste being disposed.
- e) All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Reason:

To satisfy the requirements of the legislation.

99. Discharge of Accumulated Water

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council's stormwater system, unless all the following criteria are met:

- a. The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b. The turbidity of the water to be discharged does not exceed 50 NTUs/FTUs; and
- c. The pH of the water to be discharged is between 6.5 and 8.5; and
- d. The water to be discharged contains no visible oil or grease; and
- e. If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
- f. The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- g. The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and
- h. A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council's Environment Planning Team (phone 4227 7111; fax 4227 7277; email records@wollongong.nsw.gov.au, attention Environment Planning Team Manager); and

- i. Written permission is obtained from Council's Environment Planning Team prior to any discharge.

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

Reason:

To satisfy the requirements of the legislation.

100. Site Contamination Remediation Works

The completion of any site contamination remediation works in accordance with the Remediation Action Plan (RAP) prepared by JK Environments and dated 28 February 2023, remediation measures recommended in the site contamination audit report and any additional measures as required by the site contamination auditor, if necessary.

Reason:

To satisfy the requirements of the legislation and to protect human health.

101. Survey Certificate

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

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

102. Control of Access to Prevent Tracking of Sediment

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

Reason:

To comply with Council's Development Control Plan.

103. Acid Sulfate Soils

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

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

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

Reason:

To satisfy the requirements of the legislation.

104. Implementation of BASIX commitments

While building work is being carried out, the Developer must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason:

To satisfy the requirements of the legislation.

105. Geotechnical Inspection Certification

Any inspections recommended in the geotechnical report must be inspected and certified by the author or verifier of the geotechnical report.

Reason:

To ensure geotechnical considerations are met.

106. Survey Report for Floor Levels

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

107. Shoring and adequacy of adjoining property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -

- a. Protect and support the building, structure or work from possible damage from the excavation, and
- b. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason:

To satisfy the requirements of the legislation.

108. Supervision of Engineering Works

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

Reason:

To ensure compliance with relevant Standards.

109. Pipe Connections

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The Developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

Reason:

To ensure construction Standards are met.

110. Waste management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contract details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection

- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to the Order or Exemption and provide the records to the principal certifier and Council.

Reason:

To protect neighbourhood amenity.

111. Installation of WSUD treatment train

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan prepared by Smart Structures Australia, stormwater drawing number D 15 and D 25.

Reason:

To protect the environment.

112. Implementation of all the recommendation structural and façades glazing of acoustic report

Implement building acoustic treatment as recommended in Section 6.0 of acoustic report prepared by RS Acoustic Ref. R220579R1 Revision 2 dated 7 September 2023 so that the LAeq levels are not exceeded:

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

Reason:

To satisfy the requirements of the legislation.

113. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved hours shall be submitted to the Council in writing detailing:

- a. The variation in hours required (length of duration);
- b. the reason for that variation (scope of works);
- c. the type of work and machinery to be used;
- d. method of neighbour notification;
- e. supervisor contact number; and
- f. any proposed measures required to mitigate the impacts of the works

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

To satisfy the requirements of the legislation.

114. Excess Excavated Material - Disposal

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

Reason:

To satisfy the requirements of the legislation.

115. Dust Suppression Measures

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

Reason:

To protect the environment.

116. Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a. Does not spill onto the road pavement and
- b. is not placed in drainage lines or watercourses and cannot be washed into these areas.

Reason:

To protect the environment.

117. Asbestos - Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>).

Reason:

To satisfy the requirements of the legislation.

118. Asbestos Waste Collection, Transportation and Disposal

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

Reason:

To satisfy the requirements of the legislation.

119. Asbestos Clearance Certificate

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of renovations (or prior to the Occupation Certificate being issued).

Reason:

To satisfy the requirements of the legislation.

120. Mechanical Plants and Exhaust Ventilation system

Mechanical Exhaust

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS4674-2004, AS1668.2-1991 and the grease filters to comply with AS1530.1.

Outdoor Air Conditioning or refrigeration units

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

Duct system

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential and commercial spaces to comply with the vibration guidelines.

Reason:

To satisfy the requirements of the legislation.

121. Copy of Consent in the Possession of Person carrying out Tree Removal

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

Reason:

To comply with Council's Development Control Plan.

122. Treatment of any Tree Damage by a Supervised Arborist

Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

Reason:

To comply with Council's Development Control Plan.

123. Provision of Taps/Irrigation System

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

Reason:

To comply with Council's Development Control Plan.

124. Podium Planting

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

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

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

Reason:

To comply with Council's Development Control Plan.

125. Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to street kerb and gutter.

Reason:

To comply with Council's Development Control Plan.

126. No Adverse Run-off Impacts on Adjoining Properties

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

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

Reason:

To protect neighbourhood amenity.

Before the Issue of an Occupation Certificate

127. Completion of landscape and tree works

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Reason:

To ensure compliance with relevant Standards.

128. Completion of Landscape Works on Council Owned or Controlled Land

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

Reason:

To ensure compliance with relevant Standards.

129. Preservation of survey marks

Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the Developer has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

Reason:

To protect the State's survey infrastructure.

130. Fire Safety Certificate

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

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

Reason:

To satisfy the requirements of the legislation.

131. Occupation Certificate

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

Reason:

To satisfy the requirements of the legislation.

132. Geotechnical Supervision

Any inspections recommended in the geotechnical report including filling must be inspected and certified by the author or verifier of the geotechnical report.

Reason:

To satisfy geotechnical requirements.

133. Retaining Wall Certification

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

Reason:

To comply with the relevant Standards.

134. Arborist Verification – Street Tree Installation

Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:

- a. The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use.
- b. The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

Reason:

To comply with the relevant Standards.

135. Drainage

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

Reason:

To comply with Council's Development Control Plan.

136. Restriction on Use - On-Site Detention System (OSD)

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

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

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council."

The instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

Reason:

To comply with Council's Development Control Plan.

137. Positive Covenant - On-Site Detention Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule DA-2023/124.

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

Reason:

To comply with Council's Development Control Plan.

138. On-Site Detention - Structural Certification

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

Reason:

To comply with Council's Development Control Plan.

139. Heritage Documents Local Studies Library

A bound hard copy and digital copy of all heritage documents related to this development application should be provided to Council's Heritage Staff for inclusion in the local studies library prior to the release of the occupation certificate. The documents should be included as one document with an index page. Document required include but are not limited to:

- a. Heritage Impact Statement;
- b. Archaeological Research Design;
- c. Final Excavation Report; and
- d. Heritage Interpretation Plan

Reason:

To ensure heritage considerations are met.

140. Interpretation Works

Prior to the release of the subdivision/occupation certificate, the applicant is to complete any works that are recommended and detailed in the endorsed Heritage Interpretation Plan to the written satisfaction of Council's Heritage Staff.

Reason:

To ensure heritage considerations are met.

141. Installation of Car Park Traffic Signals

The proposed Car Park Signals must be installed as per the recommendations of the Car Parking and Traffic Management Report. Details of such compliance are to be demonstrated prior to issue of Occupation Certificate.

Reason:

To ensure site safety.

142. Maintenance of Traffic Signals and Convex Mirrors

The developer will need to provide an undertaking that the traffic signals and any convex mirrors will be maintained in a good state of repair and operational at all times.

Reason:

To ensure site safety.

Occupation and Ongoing Use

143. Mechanical Plant and Equipment Noise

The operation of all mechanical plant including exhaust and supply fans, air conditioning units, condensers, pool pumps, etc singly and /or collectively, etc., shall not emit:

- i. a noise level that is more than 5dBA above the ambient background noise level between 7:00 am and 10:00 pm on any day including Saturday, Sunday or public holiday measured at any property boundary or external apartment façade, and

- ii. a noise level that is audible in habitable rooms of a residences between 10.pm and 7.00 am on any day including Saturday, Sunday or public holiday.

Reason:

To protect neighbourhood amenity.

144. Restricted Delivery Hours

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

Reason:

To ensure protection of the environment and neighbourhood amenity.

145. Clothes Drying on Balconies/Terrace Areas Prohibited

The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

Reason:

To ensure protection of the neighbourhood amenity.

146. Restricted Hours of operation

The hours of operation for the ground floor commercial premises shall be restricted to 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm on a Sunday or a public holiday. Any alteration to the approved hours of operation will require separate Council approval.

Reason:

To ensure protection of the environment and neighbourhood amenity.

147. Street Tree Establishment Period - City Centre/Commercial Village Centre

The Developer must comply with the terms of an approved landscape maintenance program for a minimum period of 12 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance. The Street Tree Establishment Period shall commence from the issue of the Occupation Certificate.

The program must include the following elements: watering, weeding, litter removal, mulching, fertilising, tree guard and grate maintenance, and pest and disease control.

Details of the proposed program must be submitted with the Landscape Plan to the Principal Certifier for approval prior to release of the Construction Certificate.

148. Continued Maintenance of Traffic Signals and Convex Mirrors

The traffic signals and any convex mirrors within the car parking levels must be maintained in a good state of repair and operational at all times.

Reason:

To ensure site safety.

149. On-site Waste Collection Only

All waste collection must be carried out from within the site. Waste collection from the street is not permitted at any time.

Reason:

To keep bins off the street.

150. Timing of Waste Servicing and Deliveries

All commercial servicing and deliveries are to be undertaken outside of normal retail trading hours to ensure that service and delivery vehicles reversing within car parking areas do not impact on the safety of the general public.

Reason:

To ensure safety of the general public.

151. Storage of Waste Bins and Waste

All waste and bins associated with the development shall be stored within the waste storage rooms at all times. No waste shall be allowed to accumulate or shall be stored on or adjacent to the street frontage of the site at any time.

Reason:

To ensure an orderly street frontage.

Reasons

The reasons for the imposition of the conditions are:

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