

Wollongong Local Planning Panel Assessment Report | 29 March 2022

WLPP No.	Item No.2
DA No.	DA -2021/901
Proposal	Mixed Use development - demolition of existing structures and construction of a 15 storey building comprising ground floor commercial/retail, residential shop top housing and associated parking
Property	2-8 Belmore Street WOLLONGONG
Applicant	ADM Architects
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (BH)
Prior WLPP meeting	NA

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel- Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clauses Clause 2(b) and 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal received over 10 unique submissions by way of objection and is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.

Proposal

The proposal is for demolition of existing structures and construction of a 15 storey building comprising ground floor commercial/retail, shop top housing and associated parking.

Permissibility

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

Consultation

The proposal was notified in accordance with Council's Notification Policy and received twenty four (24) submissions which are discussed at section 2.9 of the assessment report.

Main Issues

The main issues are flood affectation, impact of rail noise, relationship to the street.

RECOMMENDATION

It is recommended that the application be refused.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies

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

SEPP 55 and Infrastructure were in force upon lodgement of the application but have since been repealed by the SEPP consolidation project. The savings and transitional provisions in the SEPPs being repealed have not been transferred to the new consolidated SEPPs because all savings and transitional provisions continue to have effect despite their repeal pursuant to sections 5(6) and 30(2)(d) of the Interpretation Act 1987.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for demolition of existing structures and the construction of a 15 storey building being a shop top housing development. There are 13 storeys of residential comprising 63 apartments (7 x 1 bedroom, 45 x 2 bedroom and 11 x 3 bedroom) above ground floor commercial premises above sleeved parking for 76 cars in addition to motorcycle and bicycle parking. Communal open space is provided on the level 4 podium.

Having regard to the flood affectation of the site, the ground floor is elevated above the Belmore Street frontage with steps and a pedestrian ramp providing access to the building.

1.3 BACKGROUND

There was no consultation with Council prior to lodgement and there are no historic applications relevant to the proposal.

Design Review Panel (DRP) post lodgement

The application was considered by the Design Review Panel (DRP) on 16 September 2021. The Panel concluded that a more detailed contextual analysis was required to inform the proposal's interfaces with its neighbours. A major component of this analysis would need to address the potential future developments on the neighbouring sites to the south and demonstrate how the proposal contributes to a cohesive pattern of development for the city block. Other design issues that were required to be addressed included:

- Increased setbacks to, and further articulation of, the four storey podium (southern and western edges).
- Refinement of street entry
- Refinement of communal open space
- The provision of SOHO type units to activate the northern interface with the pedestrian lane.
- Minor refinements to unit planning
- Further development is recommended to incorporate more textured materials (such as brick) into the form of the building.

These issues were addressed by the applicant and amended plans were subsequently submitted on 4 November 2021.

Council's architect has reviewed the amended plans and the DRP comments and provided the following comments on the amended plans:

- *The 1m setback to the rail corridor seems consistent with Sydney Trains, however it does not allow for planting as suggested by the DRP. Council has approved a 1m setback to the railway corridor further south in Belmore Street.*
- *The façade sufficiently articulated and can be supported.*
- *The built form study provided demonstrates that the site immediately to the south is difficult to redevelop and will likely require major infrastructure works – I would be preferable for the subject site and the adjacent site to the south be amalgamated. The steep and minimal setback from the south-eastern boundary dictates how the south should be developed rather than benefiting it.*
- *The use of platform lifts are not supported – this was a suggestion by the Panel which has resulted in an inequitable access solution. Otherwise, generally the entry foyer is a better outcome than previously proposed.*
- *A deep soil zone has not been provided, however it is acknowledged that this is a city centre site.*
- *Generally the COS issues, materials, and the entrance issues have been addressed adequately.*

Further to the above comments revised plans have been submitted which provides a satisfactory solution in respect to the access ramp on the street frontage. The visual impact has been minimised and the need for platform lifts for disabled access are not required. Having regard to the above comments by Council's architect, the amended plans are generally considered to have satisfied the concerns raised by the DRP .

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.

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

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 2-8 Belmore Street Wollongong and the title reference is Lot 1 Sec 5 DP1258 (2 Belmore Street), Lot 2 Sec 5 DP 1258 (4 Belmore Street), Lot 3 Sec 5 DP1258 (6 Belmore Street) and Lot A DP347697 (8 Belmore Street). The site area is 1,810m². The site is regular in shape and relatively flat.

Adjoining development is as follows:

- North: Unformed Street
- East: Belmore Street
- South: Council car park
- West: Railway Line

The locality is characterised by the railway line which runs along the rear of the site and a mix of high density residential development, a public car park to the south and the former gasworks site to the north which is currently being rehabilitated.

Property constraints

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

- Acid sulphate soils: Class 5 No concerns are raised in this regard.
- Flooding: The site is identified as being located within a uncategorised flood risk precinct.
- Easement: The site is affected by a stormwater easement which transverses the south-eastern corner of the site.
- There are no restrictions on the title.



Figure 1: Site photograph (Source: Google Maps)

1.5 SUBMISSIONS

The application was notified between 23/8/21 and 7/9/21 in accordance with Council's Community Participation Plan 2019. Twenty four (24) submissions were received and the issues identified are discussed below.

Table 1: Submissions

Concern	Comment
<p>Building Height</p> <p>Concerns are raised in respect of the breach in the height limit and more generally in relation to the height of the building in relation to existing development.</p>	<p>The proposal exceeds the height limit by 400mm attributable to the lift overrun and solar panel array. A minor variation has been requested and the arguments for variation are not supported given the uncertainty in relation to the flood levels which may lead to additional height breach.</p>
<p>Inadequate Parking</p> <p>Concerns are raised that insufficient parking is provided to cater for both residential and commercial use. On street parking in the locality is already in short supply.</p>	<p>The parking provided is in accordance with the TfNSW Guidelines as required by the Apartment Design Guide. Council's Traffic engineer supports the parking arrangements for the development.</p>
<p>Traffic impacts</p> <p>Concerns have been expressed in relation to traffic generation exceeding the capacity of surrounding street</p>	<p>The traffic likely to be generated has been assessed by Council's traffic engineer as being unlikely to adversely impact the surrounding street network.</p>

Concern	Comment
network leading to safety concerns.	
<p>Overshadowing</p> <p>The issue of the adequacy of the submitted Shadow diagrams has been raised and there are concerns that the building will overshadow units and private open space within Victoria Square development on the eastern side of Belmore Street.</p>	<p>To clarify the shadowing impacts the applicant was requested to provide sun eye diagrams. These indicate that there is no significant overshadowing impacts from the proposed development. However, as the floor levels are likely to increase the full impacts are uncertain</p>
<p>Privacy impacts</p> <p>Concerns that units within the development will look down into private open space of Victoria Square.</p>	<p>The distance (including road separation) between the subject development and the Victoria Square development on the eastern side of Belmore Street is sufficient to ameliorate any overlooking impacts.</p>
<p>Geotechnical concerns</p> <p>Concern regarding stability of the building having regard to proximity to railway line.</p>	<p>The application was supported by a geotechnical report and has been referred to Sydney Trains who have raised no concerns and have recommended conditions of consent. Council's Geotechnical engineer has also provided a satisfactory referral.</p>
<p>Rail Noise</p> <p>Concerns that the impact of rail noise has not been adequately considered.</p>	<p>The proposal has been supported by a Rail Noise Intrusion Assessment prepared by an acoustical engineer. Sydney Trains have been consulted and have not raised concerns in relation to the proposal. Council's environment officer has provided a satisfactory referral.</p>
<p>Streetscape impact</p> <p>The building will have unacceptable impact on streetscape. Photomontages do not address all views and are considered misleading.</p>	<p>The proposed development has been considered by the Design Review Panel (DRP) and Council's internal architect. No significant concerns have been raised in relation to streetscape impact. Photomontages do not cover every potential view of the building but are considered sufficient to assist in the overall assessment of the proposal.</p>
<p>Out of Character</p> <p>The proposal is considered out of character with the area (height, bulk, scale). The SEPP65 Design Report provided appears to be lacking detail.</p>	<p>The SEPP 65 design report provides an overview of the design principles. A full compliance table against the detailed provisions of the Apartment Design Guide (SEPP 65) has been provided and is considered satisfactory. The proposal is the type of development envisaged for the zone.</p>

Concern	Comment
View Loss View loss will be experienced by residents within Victoria Square development.	Although some view loss toward the west is inevitable with a building of this height, such view loss is to be expected and is not considered fatal to the application.
Inadequate greenspace Insufficient greenspace is provided within the development. More generally the over development of the area with high density housing does not allow sufficient open space to be provided.	Whilst deep soil planting is not provided, this is considered acceptable within the context of the city centre and the mixed-use development characterisation. Adequate community open space is provided on the landscaped podium for the amenity of residents. Council's landscape officer is satisfied with the landscape design for the proposed development.
Lack of consultation with aboriginal community Aboriginal community should be consulted regarding potential impacts on aboriginal heritage.	There is no statutory requirements for a referral to Aboriginal groups where there is no identified aboriginal heritage sites on or adjacent to the subject site.
Need for commercial space With so many vacant commercial tenancies within the city centre the need for more commercial space is questioned.	The demand for commercial space is related to a number of factors including the economic climate. The zoning permits commercial development and this is considered appropriate in the context of the site which is situated within the area defined as the city centre by the Wollongong Environmental Plan 2009.
Site contamination The proximity of the site to the abandoned gasworks in Smit Street is likely to present contamination issues.	A combined preliminary and detailed site investigation was submitted with the application and has been assessed as satisfactory by Council's environmental officer. Appropriate conditions of consent were recommended.
Lack of Construction Management Plan. Lack of details in relation to management of construction impacts. Concern regarding cumulative impacts of multiple building projects being undertaken at one time.	The concurrent construction of developments in close proximity to each other is not able to be controlled. However, standard conditions apply which control hours of construction works and minimisation of noise and dust to reduce amenity impacts on surrounding properties. It is considered that a construction management plan should be submitted.

Concern	Comment
Wind impacts Likelihood of wind tunnel effects have not been modelled.	A Qualitative Wind Statement has been prepared by an appropriately qualified consultant which evaluated the existing wind characteristics and made recommendations in respect to wind amelioration measures. Appropriate conditions of consent could be recommended.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Landscape Architect, Traffic Engineer Geotechnical Engineer and Environment Officer have provided satisfactory referrals.

- Council's Stormwater Officer requested additional information in the form of a flood study to ascertain the impact of the development on the flood characteristics of the area. Although a flood study was submitted it requires revision to ensure the modelling used is compatible with Council's modelling. This is still under review at the time of writing this report. It is anticipated that the floor levels of the building will need to be raised in response. Accordingly, the recommendation will that the application be refused.

1.6.2 EXTERNAL CONSULTATION

Sydney Trains

As the site adjoins the rail corridor to the west, concurrence was sought under Clause 86 of the SEPP (Infrastructure) 2007. Sydney Trains have provided their concurrence and their requirements are included in the recommended conditions.

Endeavour Energy

The proposal was referred to Endeavour Energy. Advice was received dated 8 September 2021 raising no objection to the proposal subject to certain recommendations and supporting information being forwarded the applicant.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

2.1 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 449sqm. Therefore, the proposal does not trigger the requirement for a biodiversity offset scheme and the site is not identified as being of high biodiversity value on the Biodiversity Values Map.

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

Council's Environment Officer has reviewed the application and considered the proposal satisfactory with regards the requirements of the BC Act subject to imposition of conditions relating to the above matters.

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

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

Historically site has been used for automotive repair businesses. A combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) prepared by Environmental Consulting Service Pty Ltd has been submitted. This report has been audited by a recognised site auditor and Council's Environment Officer provided appropriate conditions of consent in relation to remediation and validation under the provisions of the Contaminated Land Management Act. Having regard to the above, no concerns are raised regarding contamination related to the intended residential use of the land and the site is considered to be suitable for the proposed development with regard to clause 7 of this policy subject to conditions.

2.2.2 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. Therefore the provisions of SEPP 65 apply. The application is accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000.

With regard to Clause 28(2)(a), the advice from the DRP has been considered as outlined in Part 1.3 of this report. With regard to Clause 28(2)(b), the design quality of the development has been considered in accordance with the design quality principles is outlined below. With regard to Clause 28(2)(c), the Apartment Design Guide has been considered below and in Attachment 7.

Principle 1: Context and neighbourhood character

Applicant's Statement of Compliance:

The proposal has been developed in relation to the desired future character of the area as set out by 2009 Wollongong Local Environmental Plan. The proposal provides residential uses above commercial (shop) uses consistent with the objectives of the zoning. The siting of the residential building relates to its Belmore Street and Smith Street (unformed) frontages. The design provides a strong street address which through a highly detailed podium reinforces the future street wall height. The height of the podium is also consistent with the newer developments being constructed in the locality. The building is complementing to the existing and desired future character of the locality through considered modulation and façade treatment.

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 proposed building is appropriate in terms of its bulk and height in relation to the current and desired future character of the area. The overall height complies with what is identified as the maximum permissible height for the site as defined by the 2009 Wollongong Local Environmental Plan. The articulation of the built form has been considered relative to both the immediate and broader character of Crown Street. The proposed scale, bulk and height have been informed by the evolving status and desired future character of the location.

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 proposal meets the density objectives of the site as defined by the 2009 Wollongong Local Environment Plan. The development comprises of a mix of residential uses which will enable the highest and best use of the site to be realised, in turn supporting a mix of apartment types and sizes. The envelope is consistent with what is envisaged for the site and locality. The density is appropriate and can be sustained by the existing infrastructure and services within the location.

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:

Apartments have been designed to optimise thermal performance, provide increased amenity to occupants and reduce greenhouse emissions and therefore the cost of energy supply. Where possible, layouts promote cross ventilation and a north easterly orientation. PV cells on the roof and water harvesting are also part of the proposal.

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 landscape design integrated with the building design and arrangement of external public and communal spaces. The landscape elements proposed play an important role in defining the key spaces within and around the site and enhance the occupant's privacy across the public and private thresholds. The species proposed have been selected in consideration of the climatic conditions of the site, the existing ecosystem, water management on the site and their long-term success in relation to these factors. There is no existing vegetation within the site to be maintained.

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 including the adjacent rail corridor.

Principle 6: Amenity

Applicant's Statement of Compliance:

The building has been designed to optimise unit internal amenity, maintain the amenity of the adjoining properties and provide adequate open space between them. The plans indicate that well proportioned and functioning apartment layouts can be achieved to provide a good degree of internal residential amenity for future occupants. Appropriate room sizes and shapes are provided and supported by access to sunlight and ventilation, sufficient storage, efficient layouts and service areas. Access to view westward to the escarpment and northward are maximised

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 proposal optimises safety and security both within the development and public domain. Apartment layouts have been designed to provide overlooking of the public spaces and communal areas whilst providing privacy for the occupants. The public spaces are clearly defined and distinct from private space. They are well lit and avoid dark, dead-end spaces that are not visible. The building entry points are clearly defined from the public domain.

Council comment:

The proposal is satisfactory with regard to safety and security.

Principle 8: Housing diversity and social interaction

Applicant's Statement of Compliance:

There are a variety of floor plan types ranging in sizes, orientation and layout, providing a good array of housing choices for different community groups. Eleven (18%) apartments are adaptable to meet the requirements of AS4229 and the same number of apartments also meet the Silver Livable Standard.

Council comment:

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

Principle 9: Aesthetics

Applicant's Statement of Compliance:

The proposal contributes to both the existing streetscape and desired future character of the area. The buildings structure and architectural proportions respond both to its internal uses and external environmental factors. The articulation of the design responds to the immediate and broader urban fabric of Wollongong City Centre through considered form, modulation and sensitive materiality. A highly detailed façade using a variety of shapes and materials is proposed. The modulation coupled with the recessive entry provides a simple solution to achieving a strong visual connection between Belmore Street and the entry lobby. The podium forms a base to the tower which aligns with the height and proportions of newer buildings under construction in the locality. The tower above the podium is sited parallel to Belmore Street, with the narrow side orientated north/south. The tower location bookends to the west end of Smith Street. The tower form is simple and refined, establishing a high aesthetic standard for future development in this locality.

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.

2.2.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 102 - *Impact of road noise or vibration on non-road development* applies to any development for residential accommodation on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles a rail corridor that the consent authority considers likely to be affected by noise and vibration.

In accordance with *Subclause 3*, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am;*
- (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

An Acoustic Report has been provided with the DA which concludes:

“A train noise and vibration intrusion assessment for a proposed mixed use development to be constructed at 2 to 8 Belmore Street, Wollongong, NSW has been undertaken. Train noise levels have been measured in the vicinity of the development Site and used in conjunction with previous measurements to calculate internal noise levels within each of the proposed future dwellings. Train noise levels are considered realistic and representative of this section of the rail line.

Recommendations are made in Section 5 of this Report to ensure that the internal noise level requirements set by Clause 87 of SEPP (Infrastructure) 2007 will be met for this development.”

Council’s Environment officer has not raised any concerns in relation to this assessment and conditions of consent were recommended.

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

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

2.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Not applicable

Clause 4.3 Height of buildings

The proposed building height of 48.4m exceeds the maximum of 48m permitted for the site. A Clause 4.6 Variation has been submitted to address this non-compliance and is contained in **Attachment 6**. An assessment of the applicant's Clause 4.6 Variation is addressed below:

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 4.3 Building Height
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(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.	Environmental planning grounds justifying the variation are that the objectives of the height control are met notwithstanding the minor breach in the numerical control for building height.
4.6 (4) (a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's request has adequately addressed the matters required to be addressed by subclause (3).</p> <p>In summary the justification relies on compliance with the building height standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development is consistent with the objectives of the standard despite the non-compliance.</p> <p>The applicant notes that the non-compliance relates only to the lift overrun and solar panels and these elements are</p>

	<p>consistent with the architectural roof features outlined in Clause 5.6 of WLEP 2009.</p> <p>Further, it is argued that the flood level that is applicable to the site has required the floor level to be raised 1m above ground level which contributes to the height exceedance.</p> <p>The exceedance is 0.4m which represent a minor (0.8%) variation and will not detrimentally impact surrounding properties.</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The objectives of clause 4.3 Height of Buildings are:</p> <p>(a) <i>to establish the maximum height limit in which buildings can be designed and floor space can be achieved,</i></p> <p>(b) <i>to permit building heights that encourage high quality urban form,</i></p> <p>(c) <i>to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.</i></p> <p>The objectives of the B3 zone are:</p> <ul style="list-style-type: none"> • <i>To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.</i> • <i>To encourage appropriate employment opportunities in accessible locations.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> • <i>To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region.</i> • <i>To provide for high density residential development within a mixed use development if it—</i> <p>(a) <i>is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and</i></p> <p>(b) <i>contributes to the vitality of the Wollongong city centre.</i></p> <p>Whilst the proposed development is consistent with the objectives of the zone, it is inconsistent with the objectives of the standard. This is based on the unresolved nature of the flood levels which is likely to result in a further raising of floor levels. Therefore, the impacts of the proposed development on local amenity are uncertain.</p> <p>The public benefit is served in this instance by insisting on strict compliance with the standard.</p>
<p>(b) the concurrence of the Secretary has been obtained</p>	<p>The WLPP can exercise assumed concurrence in this instance as the consent authority.</p>

Clause 4.4 Floor space ratio

As per WLEP mapping the site a maximum of 1.5:1.

Clause 4.4A states:

(2) Despite clause 4.4, the maximum floor space ratio for a building on land within a zone specified in Column 1 of the Table to this subclause, on land with a site area and street frontage specified opposite that zone in Column 2 of the Table, is—

- Site area equal to or greater than 800 square metres and less than 2000 square metres and a street frontage equal to or greater than 20 metres is as per subclause (3)

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

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

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

X is the $(\text{site in square metres} - 800)/200$

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

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

where—

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

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

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

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

Using the above formula the maximum permitted FSR for the site is:

Site Area = 1808m²

$X = (1808-800)/1200 = 0.84$

2.3.1.1.1 Res $(2+1.5X) = 3.26$

$0.95 \times 3.26 = 3.097$

2.3.1.1.2 Com $(3.5+2.5X) = 5.6$

$0.05 \times 5.6 = 0.28$

$= 3.377:1$

Permissible GFA = $3.377:1 \times 1808\text{m}^2 = 6105.6\text{m}^2$

The development proposes an FSR of 3.377:1 (or 6104.8m²) including one (1) surplus residential car space. The proposal complies with the applicable development standard in this regard.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewerage services.

The application was referred to Endeavour Energy in accordance with (cl. 45) of SEPP Infrastructure 2007 and no concerns have been raised.

A condition could be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service the site.

Clause 7.3 Flood planning area

The site is mapped as being within an uncategorised flood risk precinct. In this regard a flood study has been submitted by the applicant and reviewed by Council's stormwater engineer. The flood study is considered unsatisfactory as there is insufficient information to assess the flood impacts resulting from reduced flood conveyance caused by the proposed development, particularly in relation to the reduction in available flow conveyance area along the southern boundary and across the south-eastern corner of the site.

In this regard, Council's engineer has advised that the flood study provided needs to incorporate Council's conduit blockage requirements and be calibrated against Council's adopted flood study for existing conditions.

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 watertable 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. Appropriate conditions of consent are recommended in this regard.

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 addressing the Belmore Street frontage and accordingly the requirements of this clause are therefore satisfied.

Clause 7.14 Minimum site width

(2) Development consent must not be granted for development for the purposes of a residential flat building unless the site area on which the development is to be carried out has a dimension of at least 24 metres.

The subject site complies with this requirement having a width of 52.25 metres

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 site is suitable for the development
- The use is compatible with the existing and likely future uses in the locality
- There are no heritage restrictions or impacts
- The proposal is not expected to result in any adverse environmental impacts.
- The proposal is satisfactory with regard to access, servicing and parking (subject to revised plans)

being submitted to address Level 1 manoeuvrability)

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

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

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

The proposal has been assessed against the above objectives and is considered acceptable.

Clause 8.4 Minimum building street frontage

(2) 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 B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.

The site is zoned B3 Commercial Core and this clause applies. The site frontage exceeds 20m and the requirements of the clause are satisfied.

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

This Clause seeks to ensure sufficient separation of buildings for visual appearance, privacy and solar access reasons. In accordance with *Sub-clause 2*, buildings on land within Zone B3 Commercial Core 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.*

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

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

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

(5) In this clause:

street frontage height means the height of that part of a building that is built to the street alignment.”

The proposed development design provides a zero setback to each elevation at street frontage height, consistent with a commercial edge and stepped in line with the building line criteria. Above Street Frontage Height the development provides a 2.8m and 4.9m to the northern boundary which is an unformed laneway on Smith Street and minimum 11.9m to the southern boundary in excess of the 20m (when shared between sites) thereby complying with this clause.

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

2.4.1 Draft Environment SEPP

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate.

The SEPP was made on 1 March 2022 (SEPP (Biodiversity and Conservation) 2021). and is not considered relevant to the proposal.

2.4.2 Draft Remediation of Land SEPP

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018.

The proposed SEPP: provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent.

The SEPP was made on 1 March 2022 (SEPP (Resilience and Hazards) 2021). The new SEPP directly transfers the provisions of SEPP55 which have been considered in this report.

2.4.3 Draft Design and Place SEPP

The Secretary has emphasised that, for the purposes of section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the draft proposed Design and Place State Environmental Planning Policy (DP SEPP) 2021 is not notified to any consent authorities. The draft DP SEPP is therefore not a mandatory matter for consideration under the Act.

2.4.4 Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The SEPP was made on 1 March 2022 (SEPP (Housing) 2021) and is not considered relevant to the proposal.

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

3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. Minor variation to Chapter D13 – City Centre controls are addressed below. The full table of compliance can be found at Attachment 8 to this report.

Maximum Building Depth

Section 2.4.3 of Chapter D13 stipulates a maximum building depth of 18m for residential and serviced apartments in the commercial core. The proposed development has a maximum building depth of 20m and therefore, exceeds the maximum numerical requirement.

The objectives of this control are:

- a) *To promote the design and development of sustainable buildings.*
- b) *To achieve the development of living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.*
- c) *To provide viable and useable commercial floor space.*
- d) *To achieve usable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.*
- e) *To achieve a city skyline sympathetic to the topography and context.*
- f) *To allow for view sharing and view corridors.*
- g) *To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form and articulation of facades.*

The applicant seeks a variation to this control as the proposed building depth is 20. The applicant has argued that the objectives of the control seek to ensure the development is appropriate for the context and has sufficient ventilation and reduce reliance on mechanical ventilation. In this regard it is stated that the development complies with SEPP BASIX and Chapter E2 of WDCP 2009 which outline sustainability principles. Additionally, the development complies with the required cross ventilation requirements of the ADG (70%).

Comment:

The proposed building depth is considered acceptable and it has been suitably demonstrated that the objectives of the control are met.

Mixed Use Buildings

Clause 2.6.3 requires a flexible building layout which allow variable tenancies or uses on the first two floors of a building above the ground floor. The minimum floor to ceiling heights are 3.3 metres for commercial office and 3.6 metres for active public uses, such as retail and restaurants in the B3 Commercial Core zone.

The application proposes a variation to this control for the ground level where a ceiling height of 3.05m is provided.

The objectives of this control are:

- a) *To encourage a variety of mixed-use developments in the city centre.*
- b) *To create lively streets and public spaces in the city centre*
- c) *To increase the diversity and range of shopping and recreational activities for workers, residents and visitors.*
- d) *To enhance public safety by increasing activity in the public domain on week nights and on weekends.*
- e) *To minimise potential conflicts and achieve compatibility between different uses.*
- f) *To minimise conflicts between permitted land use and heritage buildings.*
- g) *To ensure that the design of mixed-use buildings addresses residential amenity.*
- h) *To create separate, legible and safe access and circulation in mixed use buildings.*
- i) *To ensure that mixed use buildings address the public domain and the street.*

In this regard, the applicant has indicated that the minimum floor to ceiling height meets the requirements of the national Construction Code and that the floor to ceiling height will not limit the development from achieving the objectives of the control for this portion of the development as the space will achieve internal amenity given its location and glass curtain walls.

In this regard it is accepted that achieving strict compliance will not likely achieve a better outcome for the development and that the proposed ceiling height will be acceptable for future occupation of the commercial spaces.

3.2 Wollongong City Wide Development Contributions Plan

The estimated cost of works is \$ \$22,016,500 and a levy of 2% is applicable under this plan as the threshold value is \$250,000 and the site is located within the city centre.

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

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

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

The 2000 Regulation continues to have effect as the application was lodged prior to 1 March 2022.

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

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

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 however the full extent of impacts cannot be determined at this time due to uncertain flood levels.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal subject to resolution.

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

The submissions received have been addressed in this report – See Section 1.5.

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

The proposal is not considered to be in the public interest.

10 CONCLUSION

This application has been assessed having regard to the heads of consideration under section s4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone but does not fully comply with the building height control. The applicant has followed the process set out in clause 4.6 of WLEP2009 and adequately justified the development standard departures. The Variation request is unable to be assessed as unreasonable having regard to unresolved flooding issues that may necessitate a further increase in building height.

Minor variations are proposed to controls contained in WDCP 2009 in relation to building depth and ceiling heights for the first two levels in a mixed-use development. These variations are minor and it is considered that notwithstanding the variations the objectives of the controls are satisfied.

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

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

In relation to the stormwater referral, Council's stormwater engineer has advised that the applicant's submitted flood study provides insufficient information to fully assess the flood impacts resulting from reduced flood conveyance caused by the proposed development, particularly in relation to the reduction in the available flow conveyance area along the southern boundary and across the south-eastern corner of the site. The proposal therefore cannot be supported until such time as the potential flooding impacts are resolved.

11 RECOMMENDATION

It is recommended that development application DA-2021/901 be refused subject to the reasons contained in Attachment 9.

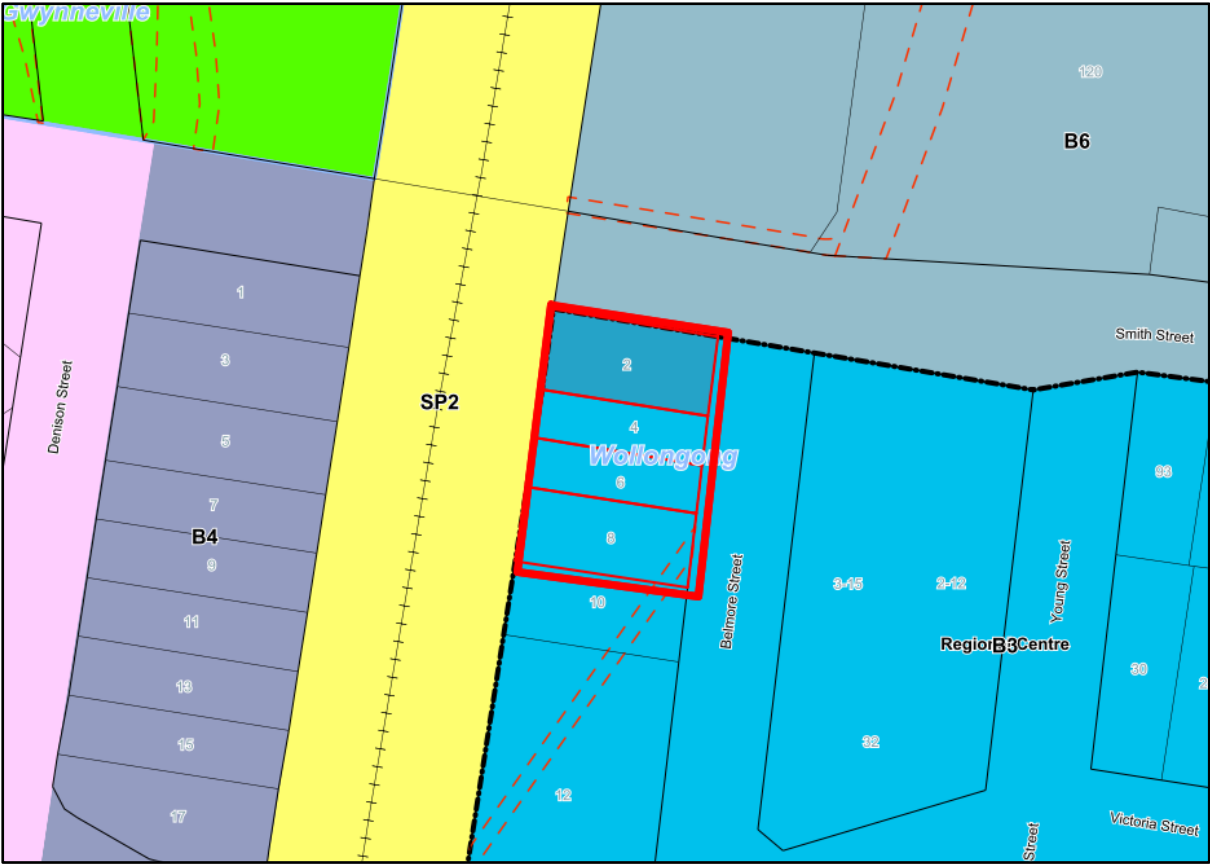
ATTACHMENTS

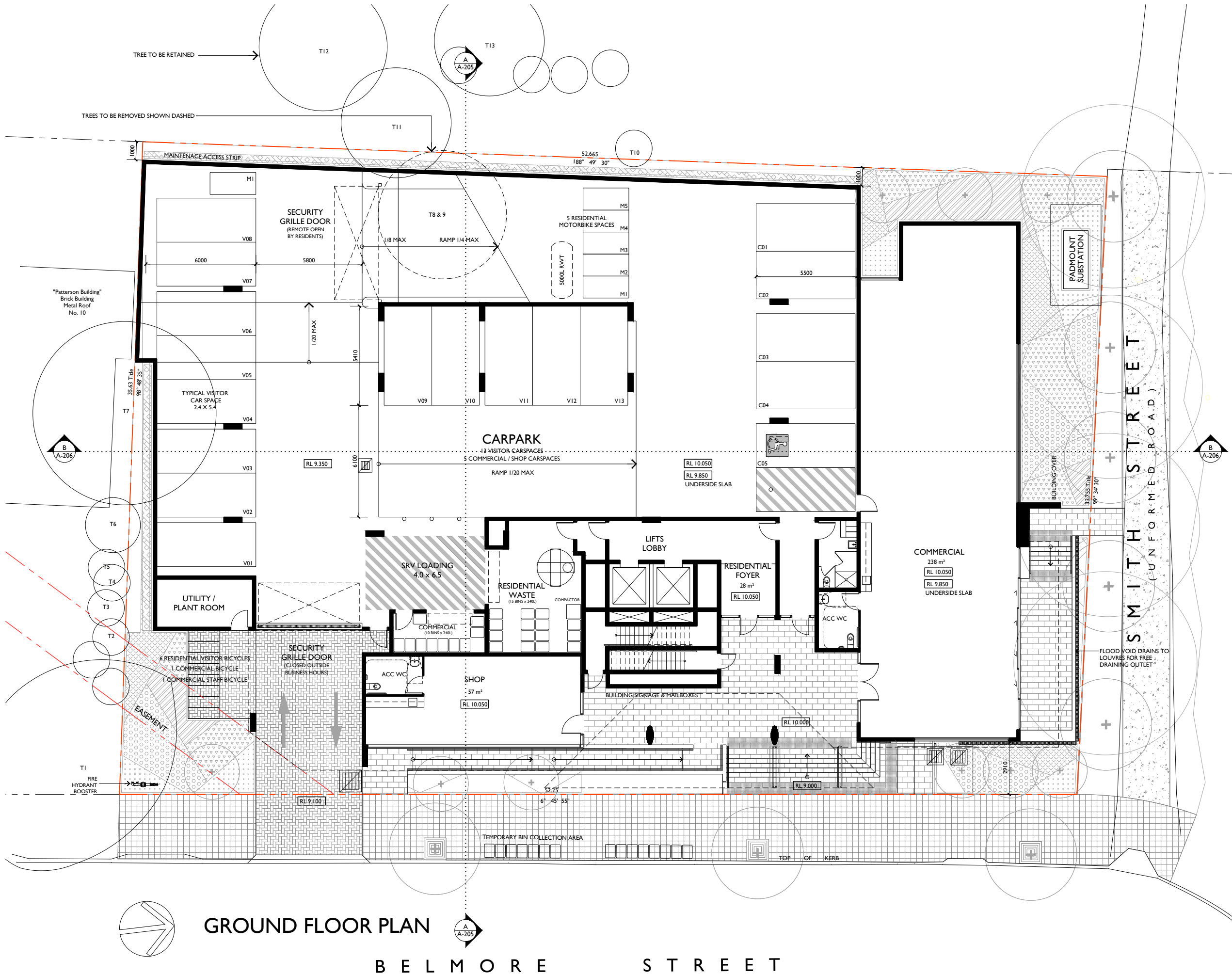
- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 Design review panel notes
- 5 Applicant's response to design review panel
- 6 Clause 4.6 variation request
- 7 ADG compliance table
- 8 WDCP 2009 compliance table
- 9 Draft reasons for refusal

ATTACHMENT 1 - Aerial Photograph



ATTACHMENT 2 – WLEP Zoning Map





GROUND FLOOR PLAN

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B	14.07.21	ISSUED FOR DA
C	21.10.21	AMENDED FOR DA
D	20.12.21	AMENDED FOR DA

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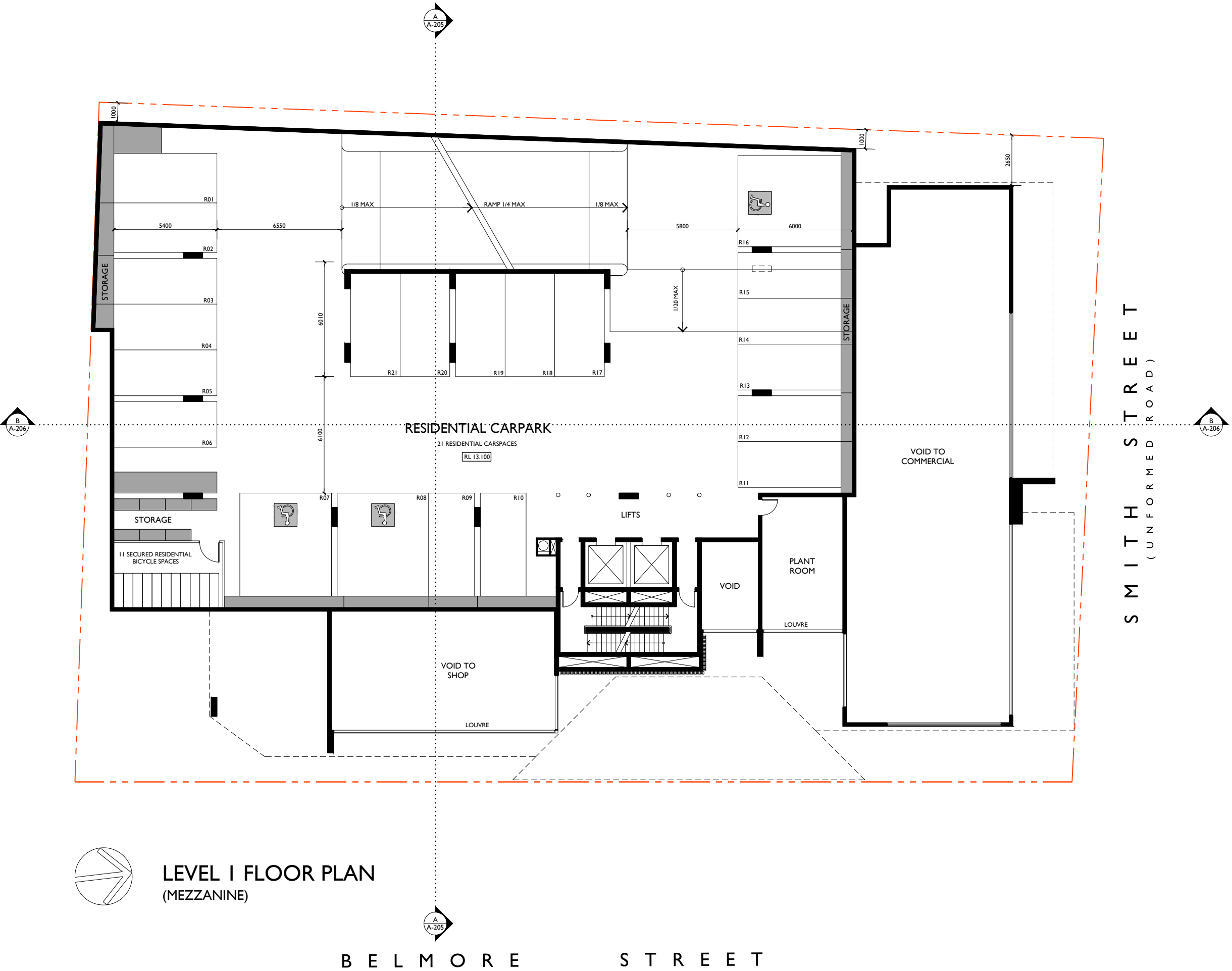
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At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
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Scale 1:100 @ A1 1:200 @ A3	Date DECEMBER 2021	
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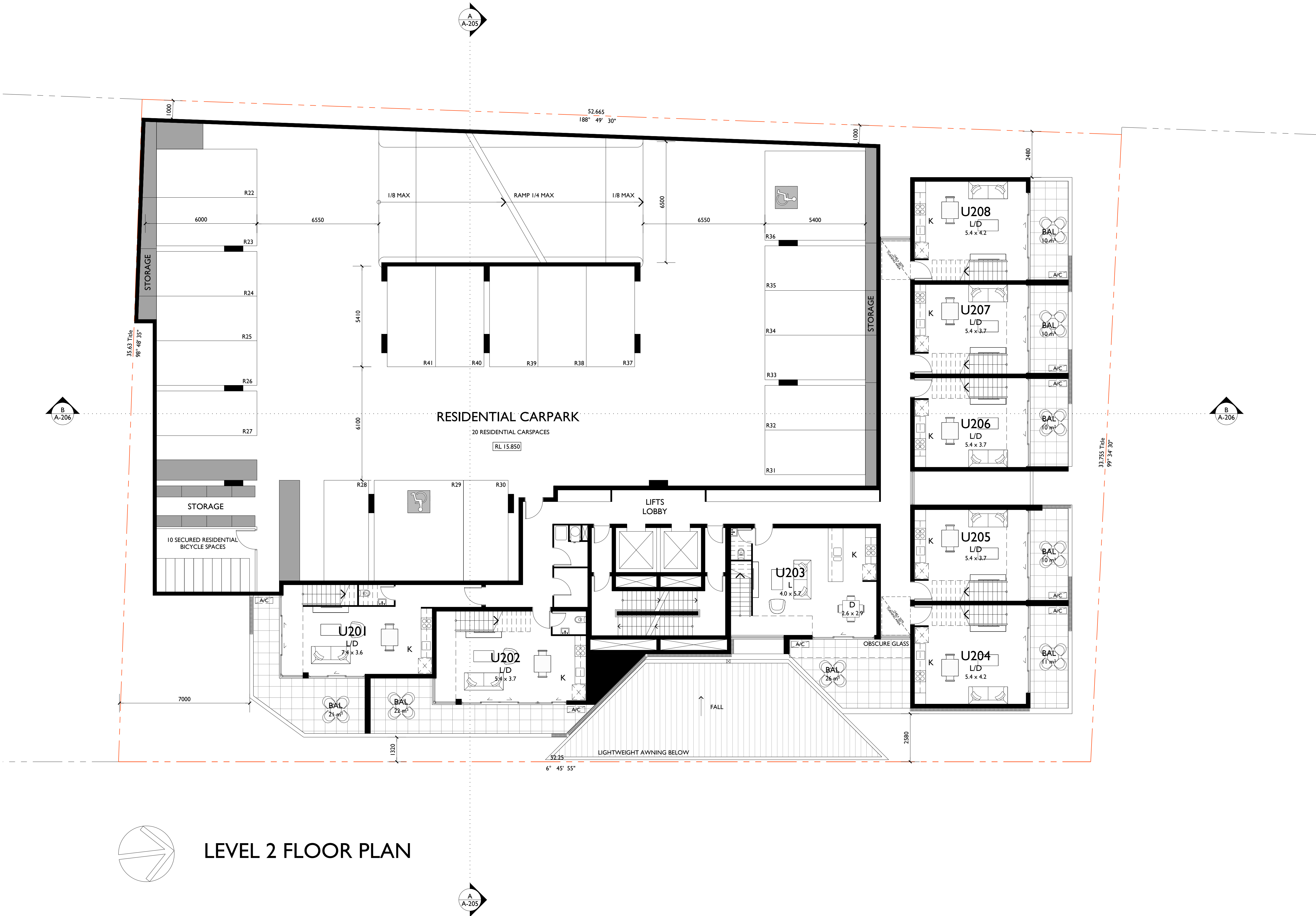
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Project PROPOSED SHOP TOP HOUSING DEVELOPMENT		
At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION LEVEL I FLOOR PLAN		
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LEVEL 2 FLOOR PLAN



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DEVELOPMENT

At
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WOLLONGONG

For
BELMORE APARTMENTS
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Title
DEVELOPMENT APPLICATION
LEVEL 2 FLOOR PLAN

Scale	Date
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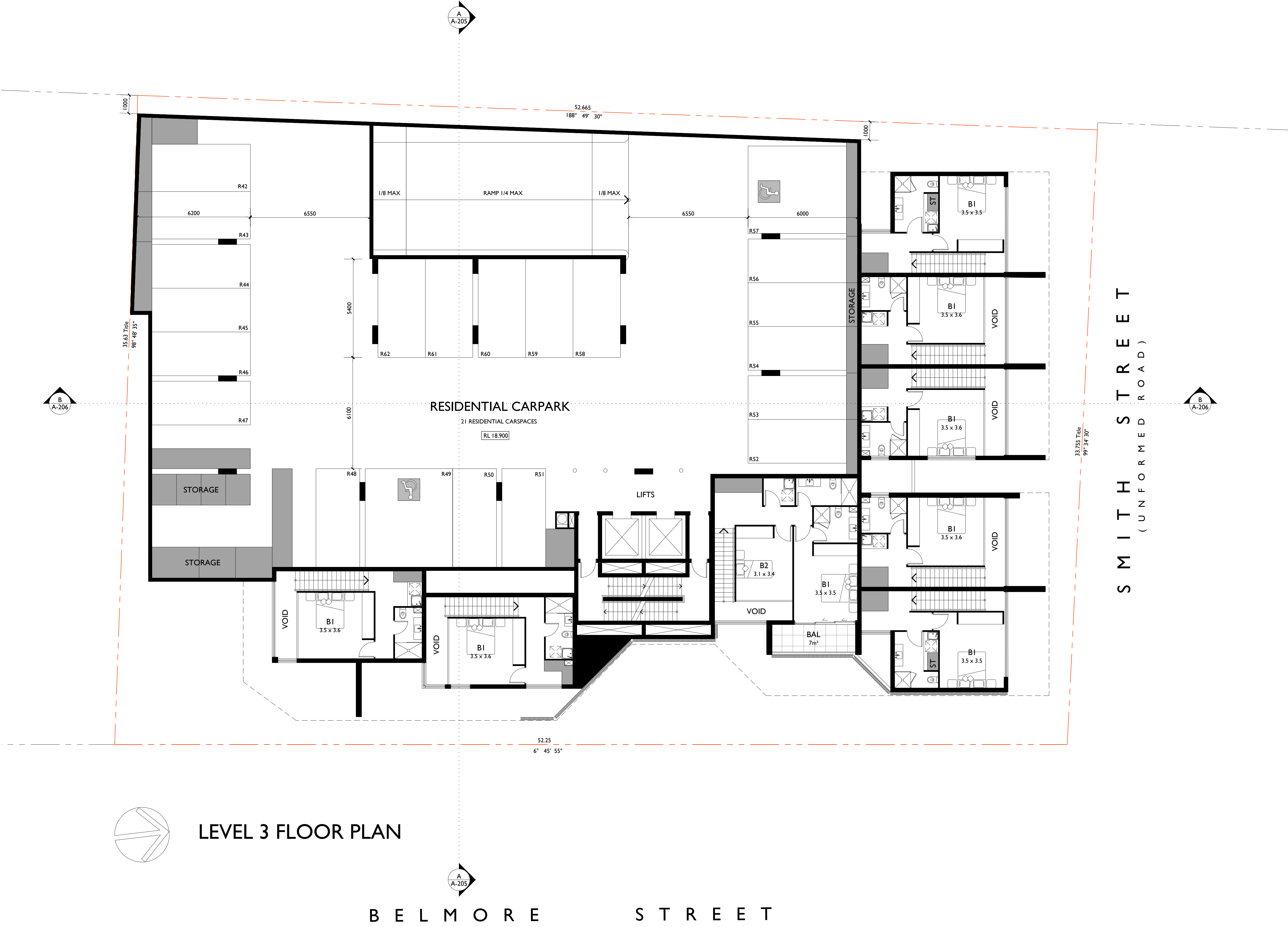
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LEVEL 3 FLOOR PLAN



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Project PROPOSED SHOP TOP HOUSING DEVELOPMENT		
At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION LEVEL 3 FLOOR PLAN		
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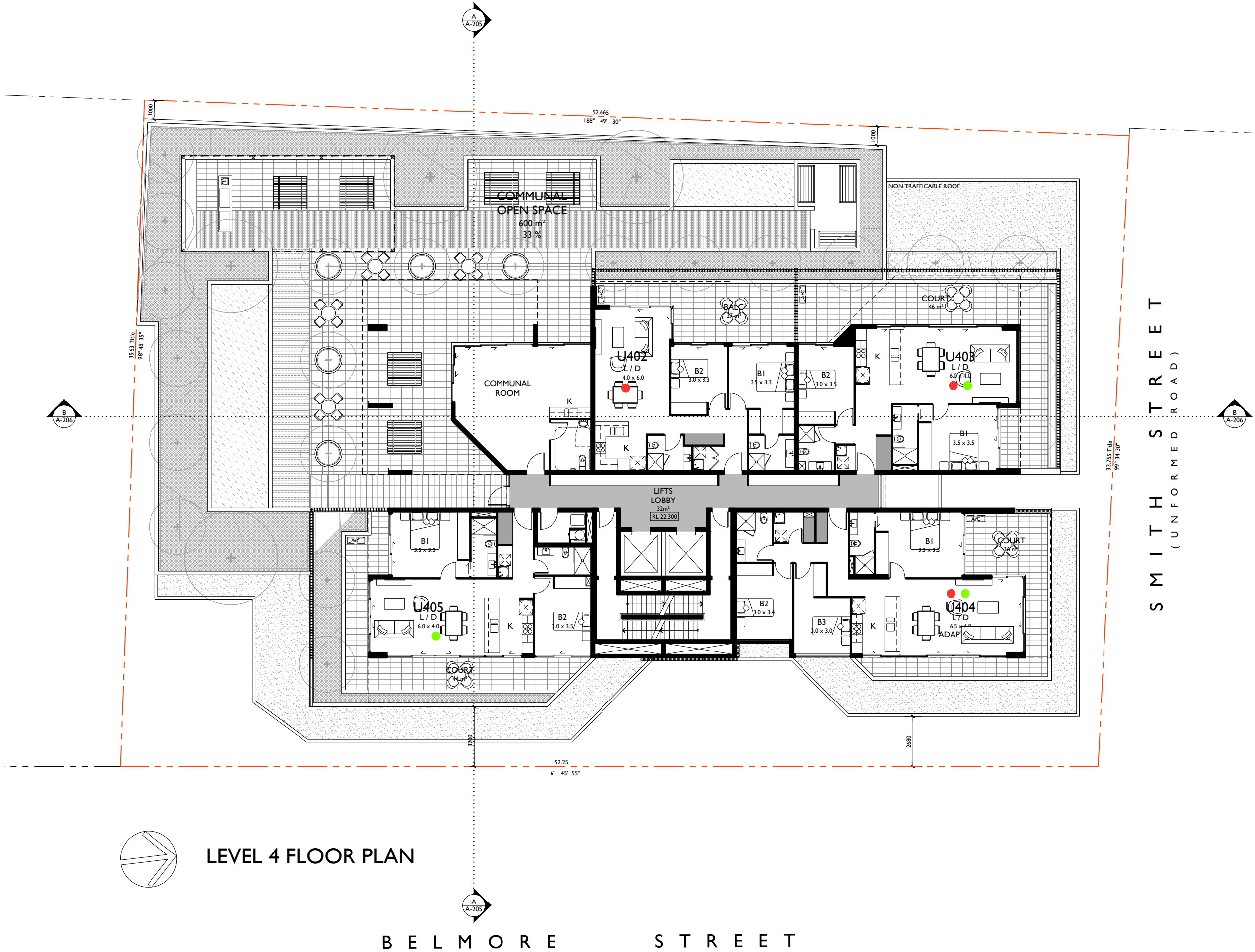
At
2-8 BELMORE STREET
WOLLONGONG

For
BELMORE APARTMENTS
WOLLONGONG PTY LTD

Title
DEVELOPMENT APPLICATION
LEVEL 4 FLOOR PLAN

Scale		Date
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LEVEL 4 FLOOR PLAN

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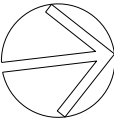
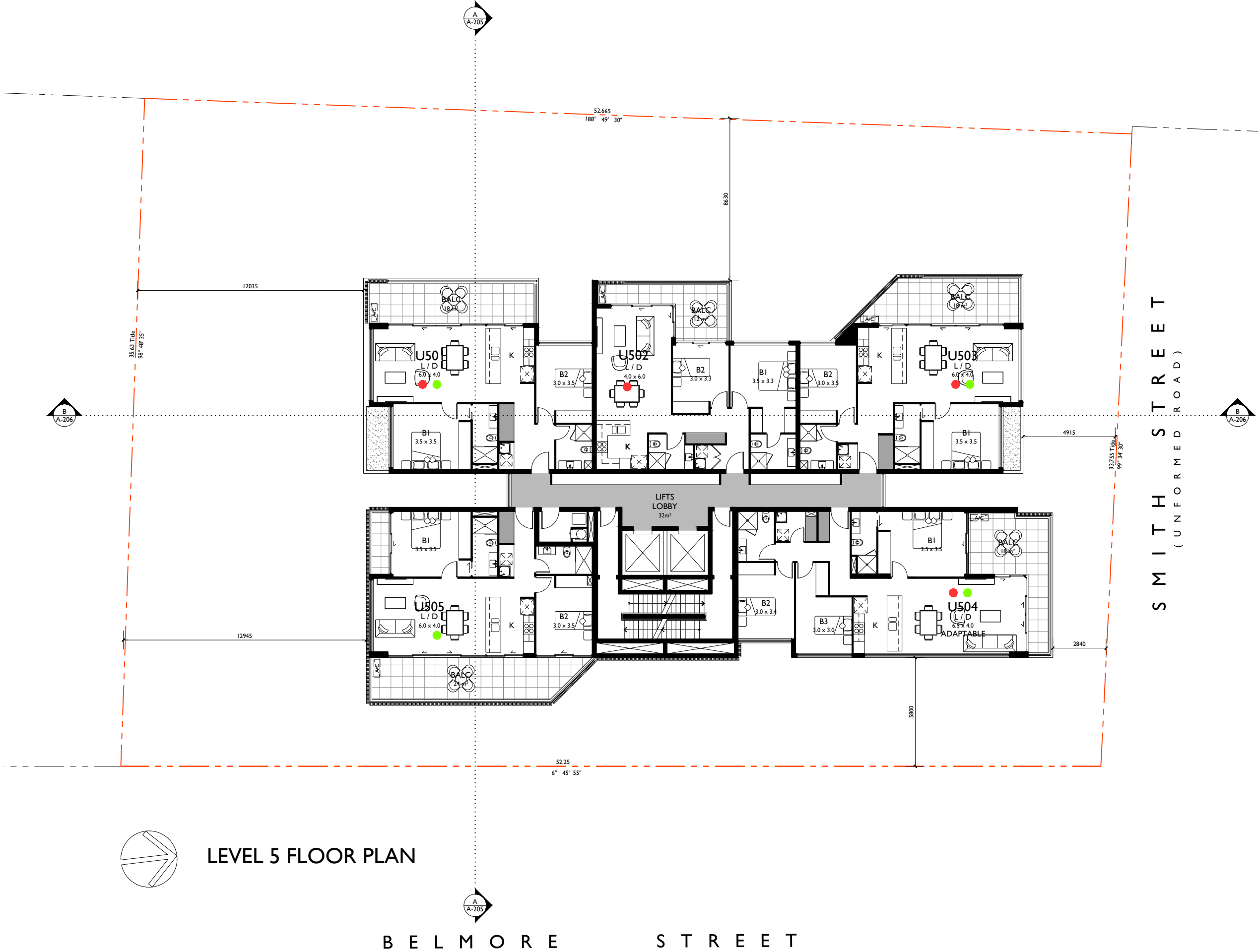
Project
PROPOSED
SHOP TOP HOUSING
DEVELOPMENT

At
2-8 BELMORE STREET
WOLLONGONG

For
BELMORE APARTMENTS
WOLLONGONG PTY LTD

Title DEVELOPMENT APPLICATION LEVEL 5 FLOOR PLAN		
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LEVEL 5 FLOOR PLAN

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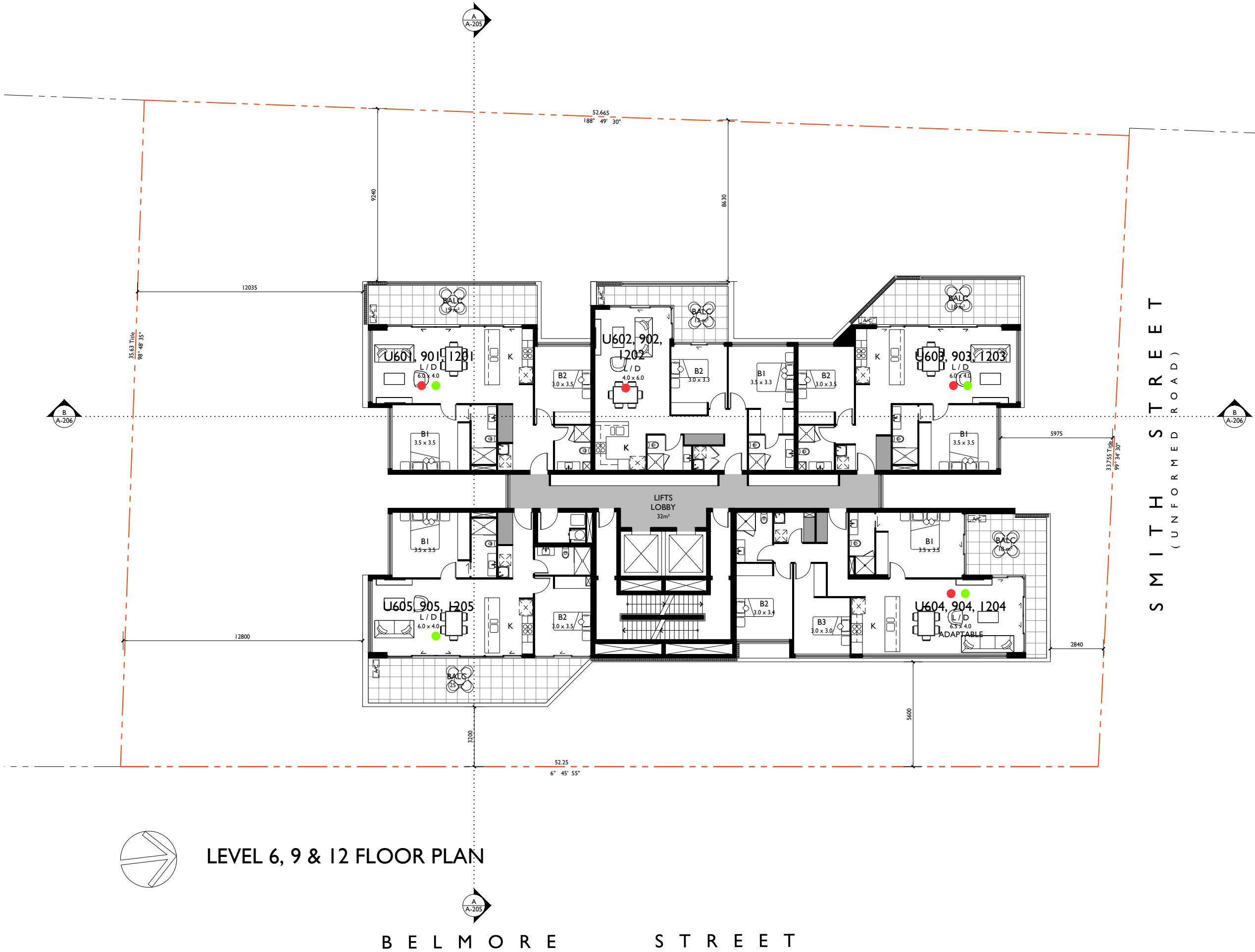
Project
PROPOSED
SHOP TOP HOUSING
DEVELOPMENT

At
2-8 BELMORE STREET
WOLLONGONG

For
BELMORE APARTMENTS
WOLLONGONG PTY LTD

Title		
DEVELOPMENT APPLICATION LEVEL 6, 9 & 12 FLOOR PLAN		
Scale	Date	
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LEVEL 6, 9 & 12 FLOOR PLAN

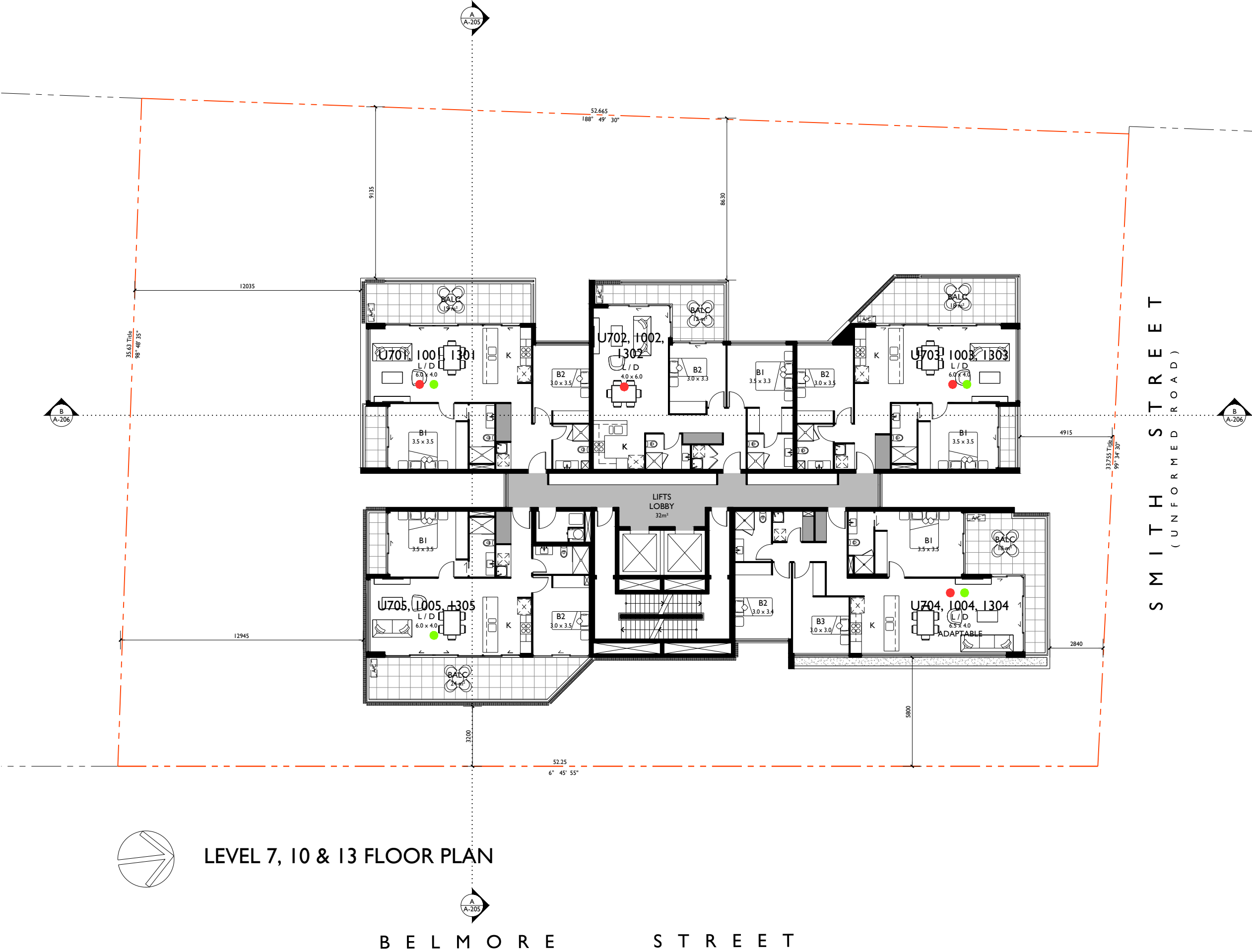
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- LEGEND
- SUNLIGHT ACCESS
 - CROSS VENTILATION



LEVEL 7, 10 & 13 FLOOR PLAN

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Project
PROPOSED
SHOP TOP HOUSING
DEVELOPMENT

At
2-8 BELMORE STREET
WOLLONGONG

For
BELMORE APARTMENTS
WOLLONGONG PTY LTD

Title
DEVELOPMENT APPLICATION
LEVEL 7, 10 & 13 FLOOR PLAN

Scale		Date
1:100 @ A1 1:200 @ A3		DECEMBER 2021
Drawn		Checked
LGD SJ		ADM
Project No.	Drawing No.	Issue
2020-25	A-109	C

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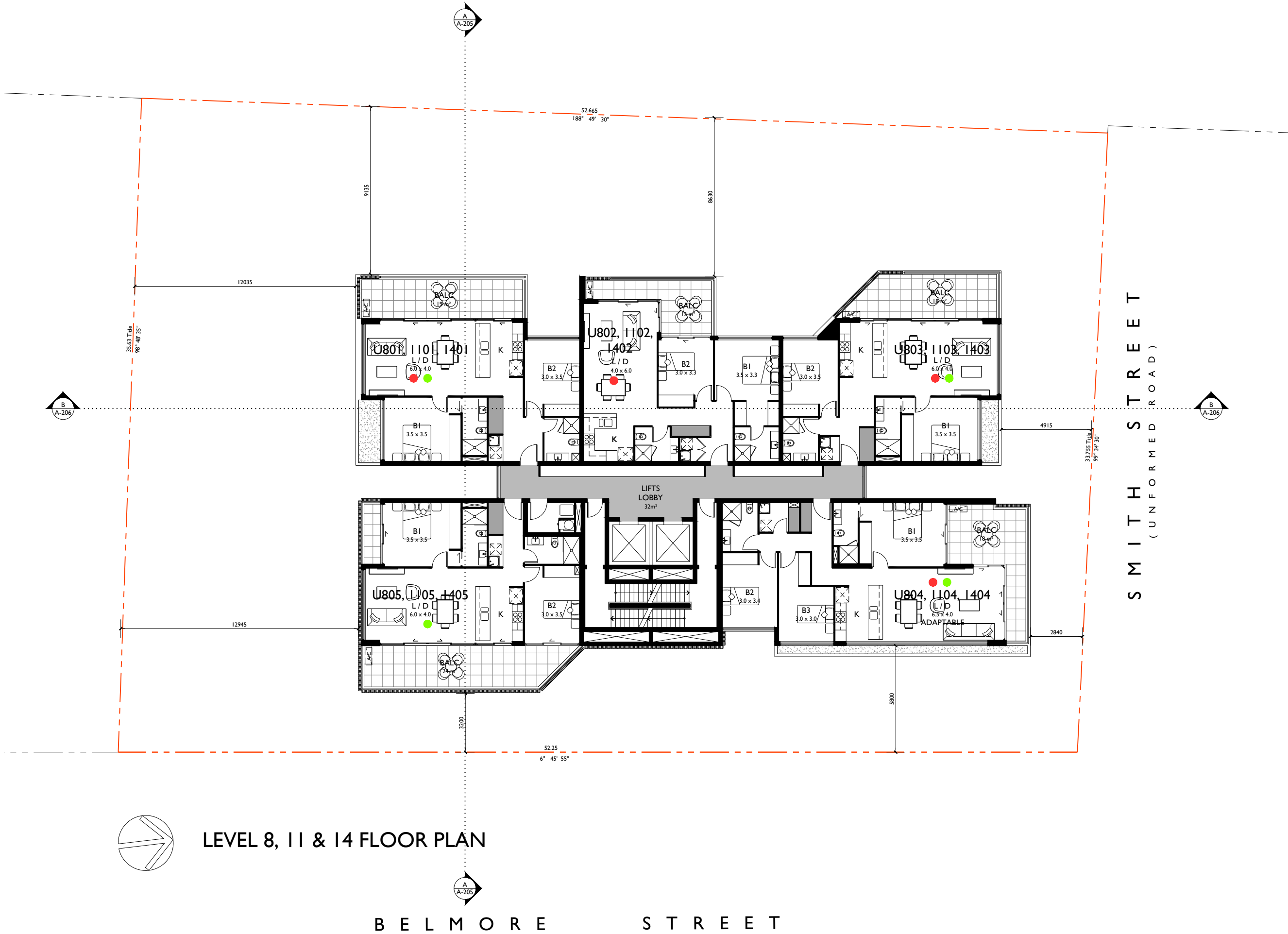
- LEGEND
- SUNLIGHT ACCESS
 - CROSS VENTILATION



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Project		
PROPOSED SHOP TOP HOUSING DEVELOPMENT		
At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION LEVEL 8, 11 & 14 FLOOR PLAN		
Scale	Date	
1:100 @ A1 1:200 @ A3	DECEMBER 2021	
Drawn	Checked	
LGD SJ	ADM	
Project No.	Drawing No.	Issue
2020-25	A-110	C

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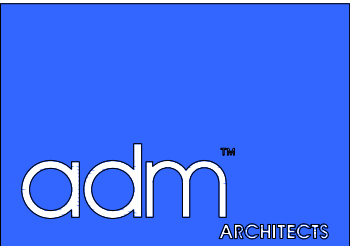
LEVEL 8, 11 & 14 FLOOR PLAN

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Project
PROPOSED
SHOP TOP HOUSING
DEVELOPMENT

At
2-8 BELMORE STREET
WOLLONGONG

For
BELMORE APARTMENTS
WOLLONGONG PTY LTD

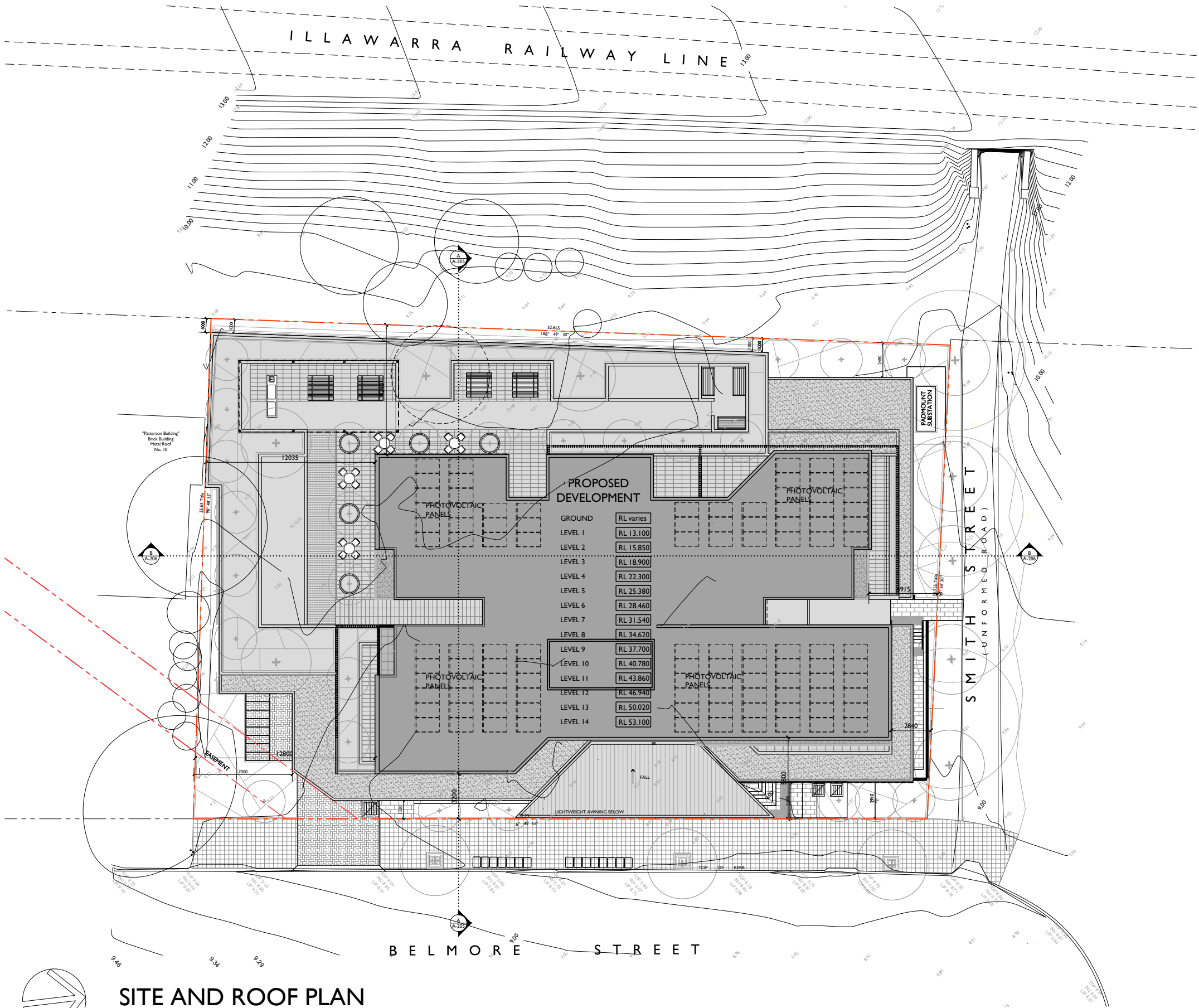
Title
DEVELOPMENT APPLICATION
SITE AND ROOF PLAN

Scale 1:150 @ A1 1:300 @ A3	Date DECEMBER 2021
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Drawn LGD SJ	Checked ADM
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Project No. 2020-25	Drawing No. A-101	Issue D
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SITE AND ROOF PLAN

NOTE: REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR
STORMWATER COLLECTION & ALL EXTERNAL SURFACE LEVELS.
REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR
ALL PAVING & PLANTING DETAILS.

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Architectural elevation drawing of a building facade, showing levels and boundaries.

Vertical Scale (Left):

- ROOF RL 56.180
- LEVEL 14 RL 53.100
- LEVEL 13 RL 50.020
- LEVEL 12 RL 46.940
- LEVEL 11 RL 43.860
- LEVEL 10 RL 40.780
- LEVEL 9 RL 37.700
- LEVEL 8 RL 34.620
- LEVEL 7 RL 31.540
- LEVEL 6 RL 28.460
- LEVEL 5 RL 25.380
- LEVEL 4 RL 22.300
- LEVEL 3 RL 18.900
- LEVEL 2 RL 15.850
- LEVEL 1 RL 13.100
- GROUND RL varies

Boundaries:

- BOUNDARY (Left, dashed red line)
- BOUNDARY BEYOND (Right, dashed red line)
- ILLAWARRA RAILWAY LINE (Far right)

Annotations:

- PHOTOVOLTAIC PANELS (Roof)
- LOUVRED OPENING TO NORTHERN WALL TO DRAIN FLOOD VOID
- LOUVRED ACCESS DOOR FOR MAINTENANCE ACCESS TO FLOOD VOID



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WOLLONGONG

Title
DEVELOPMENT APPLICATION
NORTH ELEVATION

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EAST ELEVATION



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At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION EAST ELEVATION		
Scale 1:150 @ A1 1:300 @ A3		Date DECEMBER 2021
Drawn LGD SJ		Checked ADM
Project No. 2020-25	Drawing No. A-202	Issue D

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SOUTH ELEVATION



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At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION SOUTH ELEVATION		
Scale 1:150 @ A1 1:300 @ A3		Date OCTOBER 2021
Drawn LGD SJ		Checked ADM
Project No. 2020-25	Drawing No. A-203	Issue C

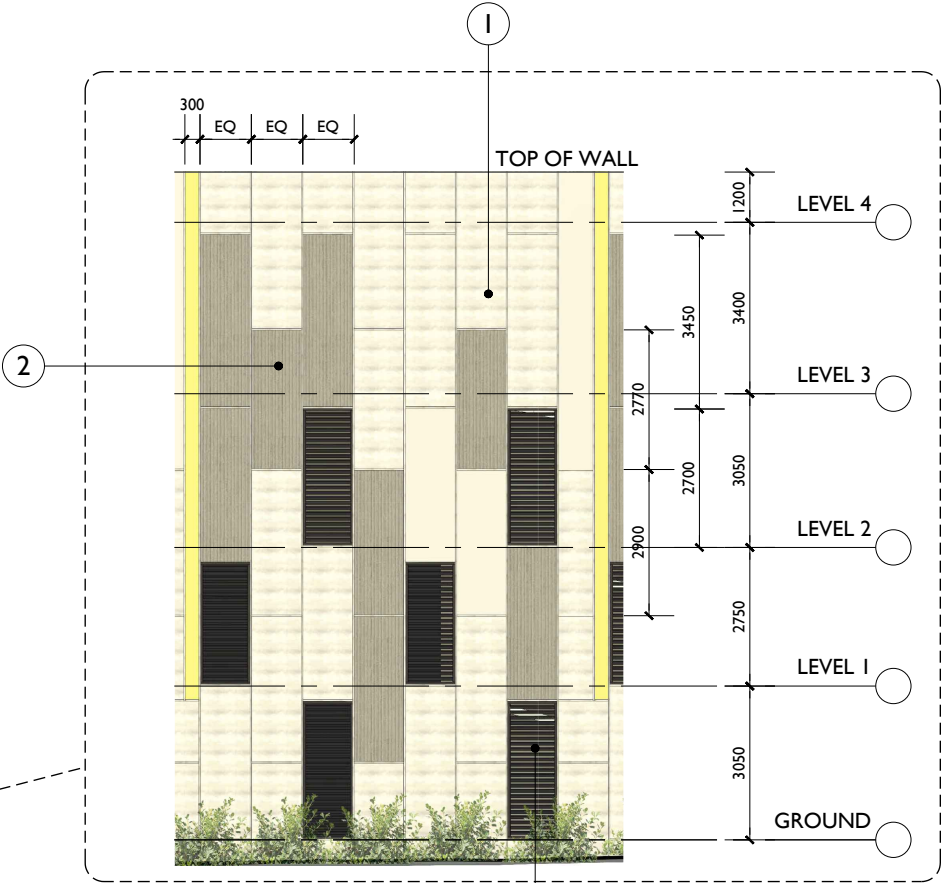
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WEST ELEVATION



- 1 PRE CAST CONCRETE PANEL OFF FORM CONCRETE
- 2 PRE CAST CONCRETE PANEL LINEA
- 3 POWDERCOAT MONUMENT HORIZONTAL LOUVRES

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Project
PROPOSED
SHOP TOP HOUSING
DEVELOPMENT

At
2-8 BELMORE STREET
WOLLONGONG

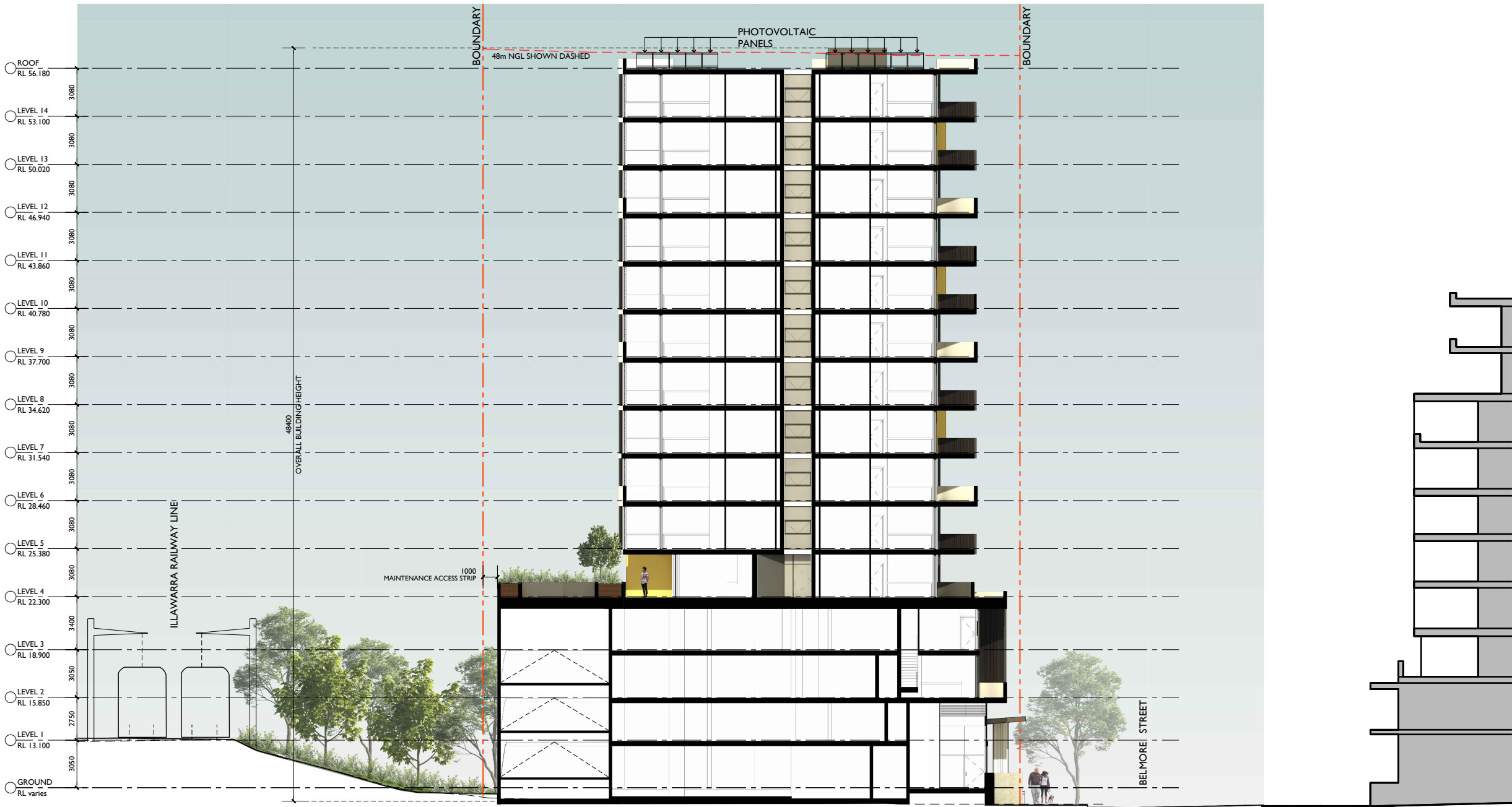
For
BELMORE APARTMENTS
WOLLONGONG PTY LTD

Title DEVELOPMENT APPLICATION WEST ELEVATION		
Scale 1:150 @ A1 1:300 @ A3	Date OCTOBER 2021	
Drawn LGD SJ	Checked ADM	
Project No. 2020-25	Drawing No. A-204	Issue B

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SECTION A-A

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Project
**PROPOSED
SHOP TOP HOUSING
DEVELOPMENT**

At
**2-8 BELMORE STREET
WOLLONGONG**

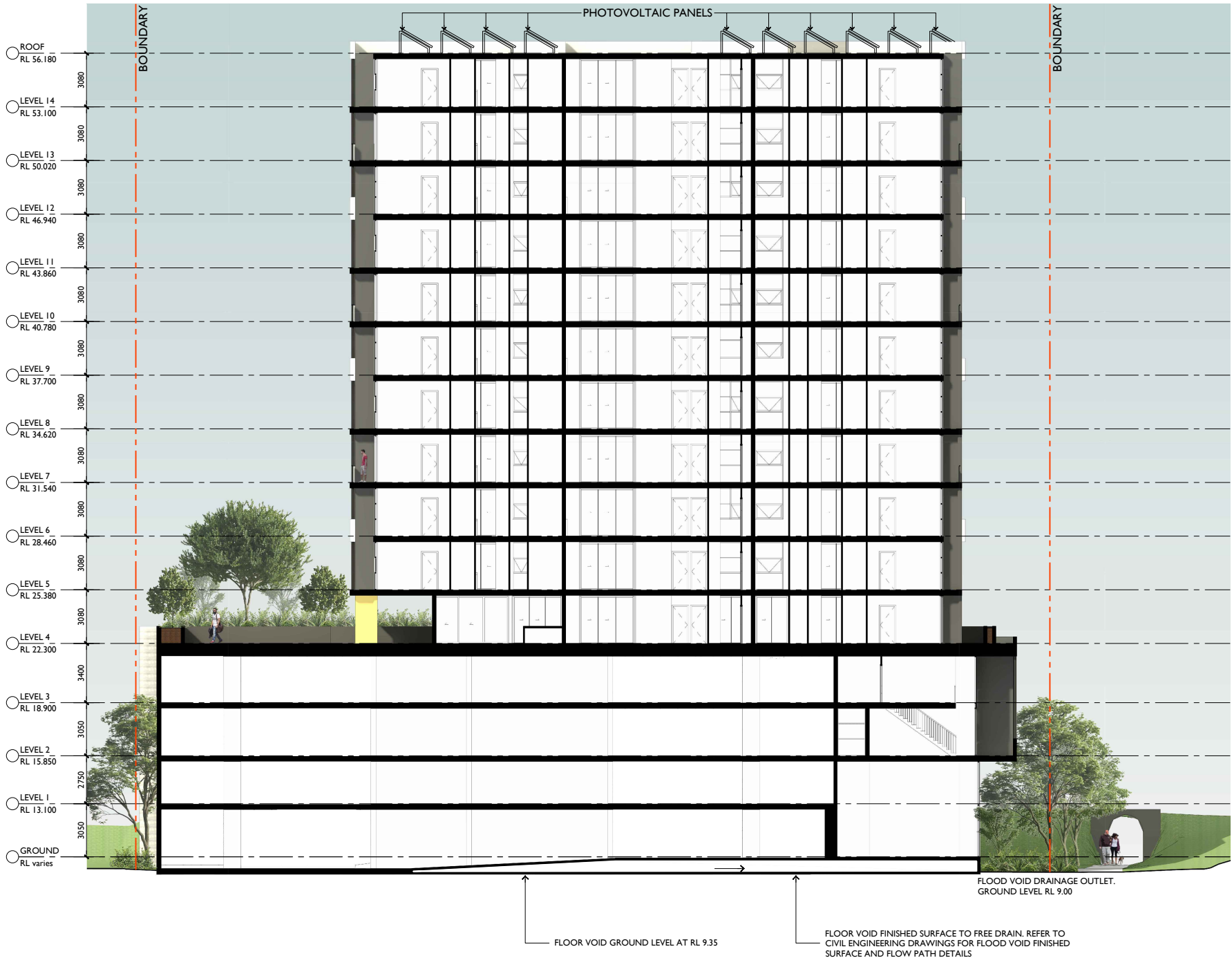
For
**BELMORE APARTMENTS
WOLLONGONG PTY LTD**

Title		
DEVELOPMENT APPLICATION		
SECTION A-A		
Scale		Date
1:150 @ A1 1:300 @ A3		OCTOBER 2021
Drawn		Checked
LGD SJ		ADM
Project No.	Drawing No.	Issue
2020-25	A-205	B

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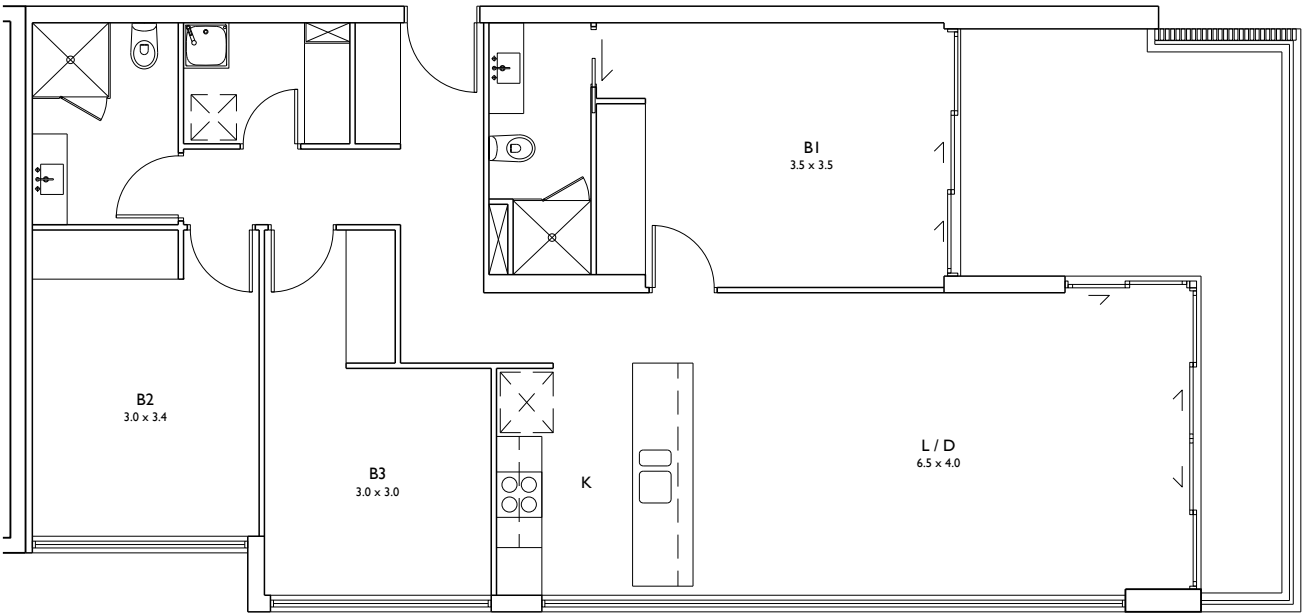


SECTION B-B



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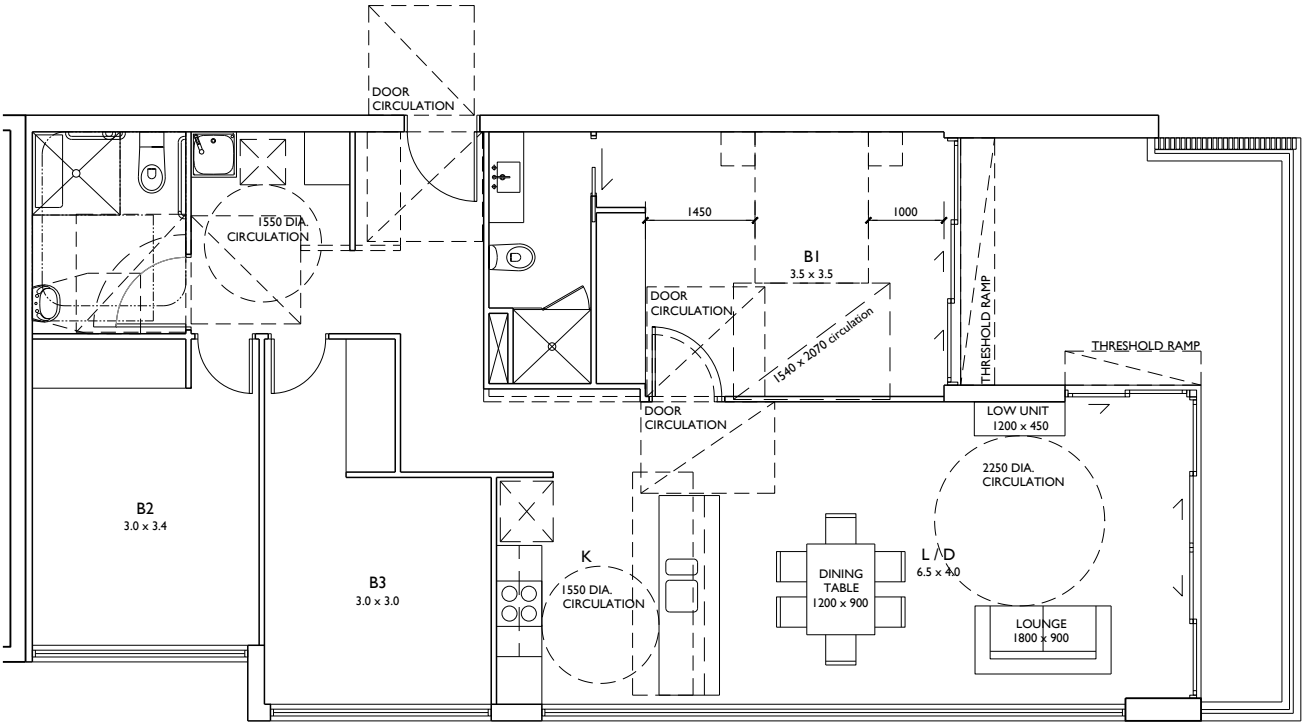
Project PROPOSED SHOP TOP HOUSING DEVELOPMENT		
At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION SECTION B-B		
Scale 1:150 @ A1 1:300 @ A3		Date OCTOBER 2021
Drawn LGD SJ		Checked ADM
Project No. 2020-25	Drawing No. A-206	Issue A



PRE - ADAPTATION PLAN

UNITS 404, 504, 604, 704, 804, 904, 1004, 1104, 1204, 1304 & 1404 (AS SHOWN)

CLASS C ADAPTABLE UNIT TO AS 4299



POST - ADAPTATION PLAN

UNITS 404, 504, 604, 704, 804, 904, 1004, 1104, 1204, 1304 & 1404 (AS SHOWN)

REFER TO ACCESS CONSULTANTS REPORT

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Project PROPOSED SHOP TOP HOUSING DEVELOPMENT		
At 2-8 BELMORE STREET WOLLONGONG		
For BELMORE APARTMENTS WOLLONGONG PTY LTD		
Title DEVELOPMENT APPLICATION PRE AND POST ADAPTATION PLAN 01		
Scale 1:50 @ A1 1:100 @ A3	Date MAY 2021	
Drawn LGD SJ	Checked ADM	
Project No. 2020-25	Drawing No. A-301	Issue A

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- 7
- 6
- 5
- 9
- 2
- 1
- 8
- 3
- 4



COLOUR AND MATERIALS SCHEDULE

1

DULUX
MONUMENT
WALLING, WALL RENDER AND
SLAB EDGES

2

DULUX
NATURAL WHITE
WALLING

3

DULUX
SOFTSUN
WALLING

4

PRECAST CONCRETE
PANELS & OFF FORM
CONCRETE

5

COLORBOND
MONUMENT
WINDOW FRAMES, VERTICAL
BALUSTRADES,
SCREENING, LOUVRES

6

GREY TINTED GLASS
RESIDENTIAL GLAZING AND
GLASS BALUSTRADING

7

VERTICAL
LOUVRE
SMOKE SILVER METALLIC

8

AUSTRAL BRICK
BROWN BLUE

9

CLEAR GLAZING
BREEZEWAY ALT AIR LOUVRE
WINDOWS

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At 2-8 BELMORE STREET WOLLONGONG		
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Title DEVELOPMENT APPLICATION COLOUR AND MATERIALS SCHEDULE		
Scale NTS	Date OCTOBER 2021	
Drawn LGD SJ	Checked ADM	
Project No. 2020-25	Drawing No. A-501	Issue B

Attachment 4

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

Date	16 September 2021
Meeting location	Microsoft Teams Meeting
Panel members	David Jarvis Tony Tribe Sue Hobley
Apologies	Andrew Heaven – Manager Development Assessment and Certification (Acting)
Council staff	Pier Panozzo - City Centre & Major Development Manager Brad Harris – Development Project Officer Alexandra McRoberts – Design expert
Guests/ representatives of the applicant	Angelo Di Martino – ADM - Architect Luke Rollinson – MMJ – Planner Lauren Turner - MMJ -Planner David Pearce – DSB – Landscape Architect
Declarations of Interest	None
Item number	2
DA number	DA-2021/901
Reason for consideration by DRP	Clause 28 of SEPP 65 and Design Excellence under Clause 7.18 of WLEP 2009
Determination pathway	WLPP
Property address	2-8 Belmore Street, Wollongong
Proposal	Demolition of existing structures and construction of a 15-storey building comprising ground floor commercial/retail, residential shop top housing and associated parking. Parking is proposed above ground over 4 levels, screened from street frontages by commercial uses and maisonette apartments.
Applicant or applicant's representative address to the design review panel	The meeting was conducted by video link between the Panel (remote) and the Applicants' team (remote).
Background	The Panel Chair visited the site on 15 September 2021. Sue Hobley visited the vicinity of the site (corner Belmore and Victoria Streets) on 16 December 2019 and 7 July 2020. The site was otherwise virtually inspected by the Panel on 16 September 2021.
Design quality principals SEPP 65	
Context and Neighbourhood Character	<p>The proposal is located on the outer edge of an area zoned commercial core. Council has indicated that a more comprehensive flood study is required for the site.</p> <p>The Illawarra railway line adjoins the western edge of the site; the rail track is elevated approximately 3m above the ground floor level of the proposed development. This section of the railway corridor forms a key arrival 'gateway' to Wollongong and the Panel are concerned to ensure that development contributes to a positive arrival experience for visitors arriving by train. The Panel therefore supports more generous setbacks to the railway corridor (as required by the NSW rail authority) that allow for substantial screen planting and maintenance of buildings and landscapes. It also promotes building design that addresses facades that present to the railway corridor.</p> <p>It is understood that the rail authority requires a minimum setback of 2-2.5m from the site's western boundary. To achieve this, the four-storey podium will need to be set back further from the western boundary.</p> <p>The southern edge of the site adjoins a modestly scaled commercial property. The neighbouring site is too small to be developed in</p>

	<p>isolation, but it is feasible that it could be developed in conjunction with council's carpark site to the south, which forms the remainder of the city block. As such the proposal does not appear to result in isolation of the neighbouring site. Nevertheless, an easement on the neighbouring site currently appears to debar potential built form adjacent to the subject site's southern boundary. The extent of this easement - on both the neighbouring site and the subject site - should be clearly documented on the site analysis plan.</p> <p>A built form study should be provided for the remainder of the city block to the south of the subject site. The potential built form should demonstrate how an ADG compliant building form, that realises the full potential of the site's permissible FSR could be achieved on the site. The potential built form study should respect site easements and ultimately demonstrate how the proposal (on the subject site) contributes to a cohesive pattern of development for the city block. This study is required to demonstrate compliance with WLEP design excellence clause that requires a development to demonstrate:</p> <p><i>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,</i></p> <p>The northern edge of the site adjoins a pedestrian lane that provides access to the western side of Wollongong, via a tunnel that passes under the railway tracks.</p> <p>Site and context analysis drawings should be developed to clearly identify key opportunities and problems, including the above. They should demonstrate how these drive the site planning and design concept.</p>
<p>Built Form and Scale</p>	<p>The proposed four-storey podium is understood to be required to be set back a minimum of 2-2.5m from the western boundary (as required by the rail authority). The Panel encourages the applicant to further develop the expression of the four-storey podium, as this will be highly visible to many commuters passing through Wollongong each day. Consideration could be given to providing some screened openings into the western façade of the podium to provide some natural light to the parking area and contribute to the articulation of the façade. The addition of landscaping within the 2m setback zone could further contribute to the presentation of the building to the railway. It is not acceptable to rely solely on vegetation within the rail corridor for screening of built form on the site.</p> <p>The four-storey podium must also be developed in response to the potential future built form on the neighboring site to the south. Given the proximity of an easement adjacent to the southern boundary of the subject site, it appears unlikely that a continuous street wall will be created linking the subject site with the site to the south. If further investigation / analysis concludes that this is the case, the proposal must be developed in response to this context. The proposed nil set back to the south should be increased to acknowledge that the proposal is to be viewed as a building in the round and not as part of a street wall. The setback should allow adequate space to accommodate some deep solid landscaping and facilitate further articulation of the southern podium façade. The Panel recommends a setback of 3m be provided.</p> <p>It appears that any response to the site constraints identified by the panel will result in the proposed podium carpark being reduced in size. To accommodate the required number of parking spaces it is</p>

	<p>suggested that consideration be given to accommodating some parking at basement level.</p> <p>Similarly, it appears that the area of communal open space provided on the level 4 podium may end up being too small to meet minimum ADG requirements. To address this issue, it is suggested that unit 401 be developed as a communal room that connects directly with the communal open space and / or additional communal open space be created at level 14.</p> <p>The viability of successful commercial premises on edge of this commercial centre zone is questionable. The Panel suggests that the two-storey high commercial premises located on the northern edge of the podium may be better if developed as SOHO type apartments that provide a commercial premises at street level and a residential unit above. Each unit could be provided with a street level entry and a small front garden area. This would help to activate the northern pedestrian path and future proof the building by providing spaces that are more readily able to be readapted.</p> <p>Any increase in residential yield (beyond FSR standards) would need to be compensated by reduction elsewhere. The opportunity to provide more generous terraces or additional communal open space on the upper level should be explored.</p> <p>The tower form located above the podium appears to relate appropriately to the immediate context of the site. However, this must be further tested within the future built form context of the site (refer to comments above, Context and Neighbourhood Character).</p>
Sustainability	<p>Tower floors: The typical floor of 5 apartments ensures natural light, natural ventilation and solar access standards are achievable. Natural light and ventilation is also possible to communal access.</p> <p>Rainwater Storage Re-use: Confirmation of adequate tank capacity and that all planted areas are to be automatically irrigated is recommended.</p> <p>Solar Power /Hot water: In excess of 100 PV roof-top panels are commendably indicated. A description, capacity and use of the proposed system needs to be confirmed.</p> <p>Deep Soil Zone: Subject to the resolution of setback issues above, opportunities for deep soil landscaped areas should be explored.</p> <p>Materials/Finishes: Higher quality, low-maintenance alternatives to the predominant paint finishes proposed are recommended, particularly to the lower levels.</p> <p>Landscape design and specification of landscape materials and fittings should be based on water sensitive design, protection of indigenous biodiversity and resilient resource management.</p>
Landscape	<p>It is anticipated that there will be changes to the proposed landscape plans once a response to the issues raised in relation to setbacks and design of interfaces with western and southern neighbours has been developed. A number of issues arising from the plans reviewed by the panel should be addressed in any design development for the amended scheme.</p> <p>A. Belmore Street Streetscape</p> <p>The treatment of the building setback to the south is important to the amenity of Belmore Street. In the event that a nil setback is proposed, it must be demonstrated that the narrow leftover triangular landscape along the southern boundary can be effectively detailed</p>

	<p>and managed to achieve good visual amenity (noting that maintenance must be possible entirely from within the site).</p> <p>The proposed plantings in the south-eastern corner of the site affected by a stormwater easement will be critical elements in the streetscape. While sightlines are a key concern, the plantings should include trees and shrubs that will help screen the built form.</p> <p>The plantings in the north-eastern corner of the site will be important not only to the amenity of Belmore Street but also for smoothly linking the unformed road (Smith Street) into the streetscape complex. This should be resolved as part of the design development for the commercial element on this corner (refer to Built form). Sightlines, front gardens of SOHO units, and the pedestrian use of Smith Street should be addressed in addition to amenity.</p> <p>B. Residential and Commercial Entrance off Belmore Street</p> <p>The panel raised concerns about the functionality and amenity of the pedestrian access scheme and the building's residential address. It is anticipated that the flood study will inform decisions about the siting and levels of key design elements at ground level. The option to relocate the carpark entry further to the north was briefly raised at the meeting, noting that it may allow for a better design of the entry.</p> <p>The current scheme is 'cluttered' with a ramp (and its wall), stairs, landings, doorways, planter boxes, mailboxes and eaves that together detract from its importance as the building's public address. (The locations of structural columns is unclear but from the landscape plans it appears that residential and commercial entrances relate sub-optimally to them.) The following concerns are raised:</p> <ul style="list-style-type: none"> - The extent of the proposed ramp detracts from the quality of the building entry. The potential to incorporate level changes within the building should be investigated. - The steps fronting Belmore street align poorly with the entry to the residential foyer and the façade of the north-eastern corner of the commercial unit. The rationale behind the shape of the stairs and the small landing adjacent to its northern component is unclear. (The landscape plans show grids in this position that are not included on the architectural plans.) - The entrance terrace has 6 doorways opening off/onto it. The residential doorway is recessed, with a blade wall included to achieve this. The design in elevation must demonstrate that this will not result in poor legibility of the entrance or subservience of its character to that of the terrace as a whole. - While the panel commends the inclusion of soft landscaping in the design of building entrance sequences, it encourages designs that include generous built-in planters that have access to natural sunlight (and rainfall). This is not the case with the current design. - The use of narrow, linear planters to conceal ramps and small or moveable planters is generally discouraged. Planters that obstruct access and important sightlines or interact problematically with buildings and other features are not acceptable. The proposed location of street trees needs to take this into account, rather than simply planting them in spaced out lines along the nature strip.
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- The mailboxes are accessible only from the public footpath and separated from the stairs by a planter with a tree. They should be positioned where they can be accessed on-site and under shelter by residents/occupants of the building.
- The rationale behind the vase shape of the eaves is unclear. It does not relate to important entrance elements. The flat base of the vase aligns with part of an under-cover planter box, part of the wall of the fire stairs and one of the fire exit doors (directing sightlines to those elements). It is angled over the key entrance to the residential lobby. It only partly covers the access ramp. It overhangs most of the planters proposed at the entrance. It will potentially interact with street trees along the Belmore Street frontage.

C. Smith Street and Railway Corridor Frontages

Flood/stormwater issues should be understood prior to developing any scheme for this portion of the site that integrates it into the pedestrian pathway's character and addresses the landform of the adjacent railway corridor.

As discussed in the meeting (see Built form), options to develop a more flexible design for the north-facing portion of the building's ground floor may result in a landscape concept involving front gardens facing the informal pedestrian path to the site's north. The following points are offered:

- Direct access from each unit to the pathway might be desirable.
- The context may call for informal 'domestic' plantings.
- Rather than formal street tree plantings, a more natural approach should be taken, based on solar access, horticultural and visual amenity issues. (Clump plantings may work well.)
- The siting of the substation in the north-western corner is commendable but the landscape (or planting) plan should aim to minimise its presence in this low-key streetscape.

The applicant informed the panel that the WLPP had approved a lesser than 2m setback to the railway corridor for the development on a site to the south (corner of Belmore Street and Victoria Street). The panel does not accept that this sets a precedent for this site, given the very different levels of the two sites and of the associated portions of the railway corridor, and of the differences between particular constraints affecting each site.

Substantial tree plantings for screening to the rail corridor should be included within the set back on the site. Access for maintenance of the landscape and the building should be provided wholly within the site.

The cutout in the building form in its north-western elevation is shown to be landscaped. This is problematic for horticultural management; it is on-slab, enclosed on the north by the building but fully exposed to the west. It needs to be demonstrated that the plantings can be effectively managed.

D. Private Communal Open Space (COS)

The panel considers that proposed provision of COS on the level 04 podium is acceptable but that its siting and lay-out could be better. Wrapping it around the northern and eastern facades

	<p>would allow for better amenity, both of the development and of the streetscape. In the event that the building setbacks to the west and south are increased and require partial undergrounding of carparking, this alternative should be explored.</p> <p>The following issues of concern are raised with regard to the scheme reviewed for this report:</p> <ul style="list-style-type: none"> - Solar access to the COS needs to be demonstrated. - Lay-out and design details showing how the scheme relates to environmental impacts (e.g. solar access, wind exposure, noise from trains, views, etc.) are insufficient. - The design lacks sufficient detail with regard to the role of different spaces (how they will meet the needs of the anticipated demographic of the building's future residents). - Access to the COS is excellent, being directly from the lift lobby corridor, but the role and nature of the space it enters is unclear. - The linear form of the COS may lead to much of it serving as a corridor to small spaces along the perimeter, reducing its functionality. - The COS should be directly linked to a communal room with kitchen and ablution facilities. Designing the communal room to be opened up for inside/outside occasions is encouraged by the panel. - Rather than continuous perimeter planters, carefully positioned breaks should be included to enable views to the street and/or ground level and to valuable outlooks. - The species list should be amended to delete exotic and non-local natives proposed for amenity plantings and replace them with suitable locally indigenous species, particularly in the case of trees. <p>E. Other</p> <p>Some planters to the balconies of units are irregularly-shaped or very narrow. This may result in problems with plant establishment.</p> <p>The panel aims to support local and national aims to protect biodiversity by encouraging the preferential use of locally indigenous plant species in amenity plantings on developments. This helps to support local biodiversity and to reduce water and weed management problems.</p> <p>The panel discourages the use of loose pebbles as materials for mulch or non-trafficable roof areas.</p> <p>The panel does not support the use of artificial turf other than in exceptional circumstances.</p>
<p>Amenity</p>	<p>The proposal generally provides well-appointed functional units that will provide good amenity to their future occupants. Suggested minor development to the unit planning include:</p> <ul style="list-style-type: none"> - details be provided on sun-control measures for large east-west facing facades. - refining the plan of the central western units to avoid opening the front door directly towards the lift doors.

	<ul style="list-style-type: none"> - reconfiguring entry points to units (where possible) to avoid privacy issues relating to conflicting access off lobbies. - providing a window on the north facing wall of the central west facing units - reconfiguring entry points to master bedrooms to avoid opening directly into living rooms. - typical floor to floor heights are below ADG guideline 3.1m. Confirmation that ADG standards are achieved incorporating structure, services, sprinklers is recommended. <p>A more direct connection should be created between Belmore Street, the entry steps and the door to the residential foyer. Removing / relocating the proposed planter between the steps and the ramp will allow the steps to align with the entry door (refer to Landscape for additional issues).</p> <p>Direct access from the commercial / retail spaces to the carpark and waste storage facilities is recommended.</p> <p>An airlock is required for the access off the lifts lobby to the residential waste storage area.</p>
Safety	<p>AC external units are shown on balconies. These should be positioned to ensure they are not visible from the public domain, are a climbing hazard or interfere with effective utility of POS.</p> <p>Egress/ Fire Safety: It is recommended a BCA report confirming adequate emergency access/ egress, fire-fighting and any other matters impacting on space and circulation planning accompany development applications.</p> <p>Narrow triangular 'no man's land' setbacks, as shown, are to be avoided.</p>
Housing Diversity and Social Interaction	<p>Pending further detail refinement, the proposal will provide an appropriate contribution to this precinct.</p>
Aesthetics	<p>The current proposal appears to be largely reliant upon applied finishes. Further development is recommended to incorporate more textured materials (such as brick) into the form of the building.</p> <p>Any sun control measures, and the range of balcony balustrade treatments proposed should be included in documentation.</p> <p>Further development of the expression of the southern and western faces of the podium are required to express the building as a form that will be highly exposed and viewed in the round. The reliance purely upon a variety of applied finish is not sufficient to articulate these four-storey high blank walls. Consideration should be given to providing screened openings and the incorporation of landscaping.</p> <p>A larger scale detail section would assist in providing a better understanding of the quality of finish being proposed and also help to ensure that the architect's design intent is realised.</p> <p>Servicing of the building must be considered at this stage of the design process. The location of service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated. It must also be determined if a sub-station is required. Consideration must be given to both materials and the integration of services.</p>

Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	Further development required.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	Further development required.
Whether the proposed development detrimentally impacts on view corridors,	
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	No apparent issues with over-shadowing
How the development addresses the following:	
the suitability of the land for development,	Further development of the proposal is required to respond to the constraints of the site. However, the site is well located, within walking distance to the train station and has the potential to accommodate the proposed mix of uses.
existing and proposed uses and use mix	The potential for successful commercial premised on edge of this commercial center zone appears to be limited. The Panel recommends that commercial spaces are developed to accommodate adaptive reuse, to assist in future-proofing the development.
heritage issues and streetscape constraints,	Further development is recommended to provide a clearer pedestrian entry from Belmore Street and a more active interface with the pedestrian lane (Smith Street).
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,	A built form study should be provided on the remainder of the city block to the south of the subject site.
bulk, massing and modulation of buildings	Generally acceptable. However, further contextual analysis is recommended.
street frontage heights	The proposed 4 storey podium contributes to an appropriately scaled street.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Refer above

the achievement of the principles of ecologically sustainable development	Further information required
pedestrian, cycle, vehicular and service access, circulation and requirements	Acceptable
impact on, and any proposed improvements to, the public domain	Refer above, noting visual exposure to railway commuters.
Key issues, further & Comments Recommendations	<p>A more detailed contextual analysis should be developed to inform the proposals interfaces with its neighbours. A major component of this analysis will be a study of potential future developments on the neighbouring sites to the south. This study should ultimately demonstrate how the proposal contributes to a cohesive pattern of development for the city block. Other detail issues requiring further development / consideration include:</p> <ul style="list-style-type: none"> - Increased setbacks to, and further articulation of, the four-storey podium (southern and western edges). - Refinement of street entry - Refinement of communal open space - The provision of SOHO type units to activate the northern interface with the pedestrian lane. - Minor refinements to unit planning - Further development is recommended to incorporate more textured materials (such as brick) into the form of the building.

Attachment 5

RESPONSE TABLE

Wollongong Design Review Panel Meeting – 16 September 2021

2-8 Belmore Street Wollongong

DA-2021/901

Design Quality Principals SEPP65	Council Comments	ADM Comments
Context and Neighbourhood Character	<p><i>The proposal is located on the outer edge of an area zoned for commercial core. Council has indicated that a more comprehensive flood study is required for the site.</i></p> <p><i>The Illawarra railway line adjoins the western edge of the site; the rail track is elevated approximately 3m above the ground floor level of the proposed development. This section of the railway corridor forms a key arrival 'gateway' to Wollongong and the Panel are concerned to ensure that development contributes to a positive arrival experience for visitor arriving by train. The Panel therefore supports more generous setbacks to the railway corridor (as required by the NSW rail authority) that allow for substantial screen planting and maintenance of buildings and landscapes. It also promotes building design that addresses facades that present to the railway corridor.</i></p> <p><i>It is understood that the rail authority requires a minimum setback of 2-2.5m from the site's western boundary. To achieve this, the four-storey podium will need to be set back further from the western boundary.</i></p> <p><i>The southern edge of the site adjoins a modestly scaled commercial property. The neighbouring site is too small to be developed in isolation, but it is feasible that it could be developed in conjunction with council's carpark site to the south, which forms the remainder of the city block. As such the proposal does not</i></p>	<p>Jones Nicholson have addressed flood matters as raised under separate council engineers' comments in additional information letter dated 9 September 2021.</p> <p>The zoning is B3 commercial core. In accordance with Clause 8.5 of the LEP, the development is permitted and required to provide a zero-lot setback. This is varied at the rear to provide for the maintenance corridor. The wall facing the rail way is patterned in finish and not blank. Refer additional commentary below.</p> <p>A maintenance setback of 1.0m between the building and the railway boundary is consistent with the approach approved by Sydney Trains and the JRPP in November last year for DA-2019/1290 at 16-20 Belmore Street (a site 50m south of the proposal).</p> <p>Agree the neighbouring site could in future be developed with the adjoining council carpark lands. Because the easement belongs to council, it would have the capacity to relocate it from the proponent's boundary towards the perimeter or</p>

	<p><i>appear to result in isolation of the neighbouring site. Nevertheless, an easement on the neighbouring site currently appears to debar potential built form adjacent to the subject site's southern boundary. The extent of this easement – on both the neighbouring site and the subject site – should be clearly documented on the site analysis plan.</i></p> <p><i>A built form study should be provided for the remainder of the city block to the south of the subject site. The potential built form, that realises the full potential of the site's permissible FSR could be achieved on the site. The potential built form study should respect site easements and ultimately demonstrate how the proposal (on the subject site) contributes to a cohesive pattern of development for the city block. This study is required to demonstrate compliance with WLEP design excellence clause that requires a development to demonstrate:</i></p> <p><i>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, setback, amenity and urban form,</i></p> <p><i>The northern edge of the site adjoins a pedestrian lane that provides access to the western site of Wollongong, via a tunnel that passes under the railway tracks.</i></p> <p><i>Site and context analysis drawings should be developed to clearly identify key opportunities and problems, including the above. They should demonstrate how these drive the site planning and design concept.</i></p>	<p>along the street front setback. The easement relocation is considered in the potential built form outcomes since prepared by ADM Architects.</p> <p>A built form study has since been prepared by ADM Architects, refer drawing A-008.</p> <p>Adjoining towers would have the opportunity to adequity separate from the proposed building due to available site width, length and frontage to two streets and a third frontage to the railway corridor.</p>
Built Form and Scale	<p><i>The proposed four-storey podium is understood to be required to be set back a minimum of 2-2.5m from the western boundary (as required by the rail authority). The Panel encourages the applicant to further develop the expression of the four-storey podium, as this will be highly visible to many commuters passing through Wollongong each day. Consideration could be given to providing</i></p>	<p>Subsequent deliberations with State Rail have confirmed that 1.0m setback is sufficient. The 1.0m setback is consistent with DA-2019/1290 at 16-20 Belmore Street (a site 50m south of the proposal). The DA also proposes a podium with carparking to the Railway side.</p>

	<p><i>some screened openings into the western façade of the podium to provide some natural light to the parking area and contribute to the articulation of the façade. The addition of landscaping within the 2m setback zone could further contribute to the presentation of the building to the railway. It is not acceptable to rely solely on vegetation within the rail corridor for screening of built form on the site.</i></p> <p><i>The four-storey podium must also be developed in response to the potential future built form on the neighbouring site to the south. Given the proximity of an easement adjacent to the southern boundary of the subject site, it appears unlikely that a continuous street wall will be created linking the subject site with the site to the south. If further investigation / analysis concludes that this is the case, the proposal must be developed in response to this context. The proposed not set back to the south should be increased to acknowledge that the proposal is to be viewed as a building in the round and not as part of a street wall. The setback should allow adequate space to accommodate some deep solid landscaping and facilitate further articulation of the southern podium façade. The Panel recommends a setback of 3m be provided.</i></p> <p><i>It appears that any response to the site constraints identified by the panel will result in the proposed podium carpark being reduced in size. To accommodate the required number of parking spaces it is suggested that consideration be given to accommodating some parking at basement level.</i></p> <p><i>Similarly, it appears that the area of communal open space provided on the level 4 podium may end up being too small to meet minimum ADG requirements. To address this issue, it is suggested that unit 401 be developed as a communal room that</i></p>	<p>Louvre openings are added to allow ventilation into the carpark.</p> <p>The zoning is B3 commercial core. In accordance with Clause 8.5 of the LEP, the development is permitted and required to provide a zero-lot setback. This is varied at the rear to provide for the maintenance corridor mentioned above.</p> <p>A future building is likely to be designed to adjoin the south boundary wall as is indicated in the built form study. (A-008)</p> <p>A side boundary setback and a deep soil zone contravenes the LEP controls in the B3 commercial core zoning.</p> <p>Geotechnical and structural advice provides that given the close proximity of the railway lines and the height of the tracks in relation to the natural ground level of the site, it would be preferable for no basement to be constructed. Advice attached.</p> <p>Unit 401 is removed and the space is redesigned to be a communal room with small kitchen and accessible WC.</p>
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	<p><i>connects directly with the communal open space and / or additional communal open space be created at level 14.</i></p> <p><i>The viability of successful commercial premises on edge of this commercial centre zone is questionable. The Panel suggests that the two-storey high commercial premises located on the northern edge of the podium may be better if developed as SOHO type apartments that provide a commercial premises at street level and a residential unit above. Each unit could be provided with a street level entry and a small front garden area. This would help to activate the northern pedestrian path and future proof the building by providing spaces that are more readily able to be readapted.</i></p> <p><i>Any increase in residential yield (beyond FSR standards) would need to be compensated by reduction elsewhere. The opportunity to provide more generous terraces or additional communal open space on the upper level should be explored.</i></p> <p><i>The tower form located above the podium appears to relate appropriately to the immediate context of the site. However, this must be further tested within the future built form context of the site (refer to comments above, Context and Neighbourhood Character).</i></p>	<p>The external COS at level 4 remains exceeds the minimum requirement with the ADG guide and provides 30% of open communal area exclusive of the common room.</p> <p>The proponent agrees with the DRP panel and would like to provide SOHO units in lieu of the commercial space, however legal advice from PLS Solutions confirms that residential uses are not a permissible use at ground level in the B3 commercial zone. Refer appended letter containing the legal advice.</p>
	<p><i>Tower floors: The typical floor of 5 apartments ensures natural light, natural ventilation and solar access standards are achievable. Natural light and ventilation is also possible to communal access.</i></p> <p><i>Rainwater Storage Re-use: Confirmation of adequate tank capacity and that all planted areas are to be automatically irrigated is recommended.</i></p>	<p>Noted</p> <p>Refer notes on DBS plans. Tank capacity provided is 5000L.</p>

	<p><i>Solar Power Hot water: In excess of 100 PV roof-top panels are commendably indicated. A description, capacity and use of the proposed system needs to be confirmed.</i></p> <p><i>Deep Soil Zone: Subject to the resolution of setback issues above, opportunities for deep soil landscaped areas should be explored.</i></p> <p><i>Materials/Finishes: Higher quality, low-maintenance alternatives to the predominant paint finishes proposed are recommended, particularly to the lower levels.</i></p> <p><i>Landscape design and specification of landscape materials and fittings should be based on water sensitive design, protection of indigenous biodiversity and resilient resource management.</i></p>	<p>In a typical PV system, photovoltaic modules, more commonly-known as solar panels, are installed on the roof. The energy generated by these panels passes through an inverter, creating electricity to match that coming in from the main power network. The electricity then feeds into the building installation and is consumed firstly within common property power usage and then any excess generated back into the electricity grid via the power meter.</p> <p>The site is B3 commercial core and the LEP provides for buildings to be constructed to the boundary, meaning deep soil zones are not typically required or provided in the zone. However, in this instance, some areas around the site have been made available for deep soil planting. The total area provided equates to 230m² or 12% of the site area.</p> <p>Rendered and painted finishes have been replaced with brickwork where possible. Refer updated elevations and materials and colour schedule.</p> <p>Comment has been noted and will be further explored at the details design phase. The nominated planning selections have considered drought tolerant species.</p>
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Landscape	<p><i>It is anticipated that there will be changes to the proposed landscape plans once a response to the issues raised in relation to setbacks and design of interfaces with western and southern neighbours has been developed. A number of issues arising from the plans reviewed by the panel should be addressed in any design development for the amended scheme.</i></p> <p>A. Belmore Street Streetscape</p> <p><i>The treatment of the building setback to the south is important to the amenity of Belmore Street. In the event that a nil setback is proposed, it must be demonstrated that the narrow leftover triangular landscape along the southern boundary can be effectively detailed and managed to achieve good visual amenity (noting that maintenance must be possible entirely from within the site).</i></p> <p><i>The proposed plantings in the south-eastern corner of the site affected by a stormwater easement will be critical elements in the streetscape. While sightlines are a key concern, the plantings should include trees and shrubs that will help screen the built form.</i></p> <p><i>The plantings in the north-eastern corner of the site will be important not only to the amenity of Belmore Street but also for smoothly linking the unformed road (Smith Street) into the streetscape complex. This should be resolved as part of the design development for the commercial element on this corner (refer to Built form). Sightlines, front gardens of SOHO units, and the pedestrian use of Smith Street should be addressed in addition to amenity.</i></p>	<p>Amendments to the plans have been made as follows:</p> <p>The setback in this area provides a TPZ for adjoining trees 1-6 to be retained. Refer arborist report. The narrowest point in this location, within the DSZ is 1m in width. The proposed landscape in the zone includes a climber species to the base of a trellis. This will facilitate adequate access for the purpose of maintenance access.</p> <p>The proposed landscape in this zone included a mixture of planting arrangements that includes tree and shrub plantings which will help soften the built form whilst maintain sightlines for pedestrians and vehicles at the driveway threshold.</p> <p>The proposed landscape in this zone has been designed to soften the built form through deep soil shrub and tree plantings to the building perimeter as well as the use of a wire trellis to the wall façade for a green wall effect. The addition of street trees to Belmore Street and Smith Street further enhances the streetscape amenity as well as provides a framed formalised pedestrian</p>
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	<p>linkage to the Smith Street pedestrian underpass. Furthermore, these trees will provide shade relief to the commercial northern terrace.</p>
<p><i>B. Residential and Commercial Entrance off Belmore Street</i></p> <p><i>The panel raised concerns about the functionality and amenity of the pedestrian access scheme and the building's residential address. It is anticipated that the flood study will inform decisions about the siting and levels of key design elements at ground level.</i></p> <p><i>The option to relocate the carpark entry further to the north was briefly raised at the meeting, noting that it may allow for a better design of the entry.</i></p> <p><i>The current scheme is 'cluttered' with a ramp (and its wall), stairs, landings, doorways, planter boxes, mailboxes and eaves that together detract from its importance as the building's public address. (The locations of structural columns is unclear but from the landscape plans it appears that residential and commercial entrances relate sub-optimally to them). The following concerns are raised:</i></p> <ul style="list-style-type: none"> <i>- The extent of the proposed ramp detracts from the quality of the building entry. The potential to incorporate level changes within the building should be investigated.</i> <i>- The steps fronting Belmore Street align poorly with the entry to the residential foyer and the façade of the north-eastern corner of the commercial unit. The rationale</i> 	<p>A flood model has been run by the flood engineer and flood storage areas are provided under the building footprint. No change to the design and layout is required.</p> <p>The carpark entry is not better located at the northern end of the site because it moves the movement of vehicles closer to the sharp bend in Smith Street. Refer advice from traffic engineer.</p> <p>The entry is redesigned and simplified as described below:</p> <p>The ramp is removed and replaced with a hydraulic platform lift. This provides more space for landscaping and stairs which open to the forecourt space.</p> <p>The entry steps are proposed to be extended across the entire forecourt frontage including across the alignment of the residential entry. The</p>

	<p><i>behind the shape of the stairs and the small landing adjacent to its northern component is unclear. (The landscape plans show grids in this position that are not included on the architectural plans).</i></p> <ul style="list-style-type: none"> - <i>The entrance terrace has 6 doorways opening off/onto it. The residential doorway is recessed, with a blade wall included to achieve this. The design in elevation must demonstrate that this will not result in poor legibility of the entrance or subservience of its character to that of the terrace as a whole.</i> - <i>While the panel commends the inclusion of soft landscaping in the design of building entrance sequences, it encourages designs that include generous built-in planters that have access to natural sunlight (and rainfall). This is not the case with the current design.</i> - <i>The use of narrow, linear planters to conceal ramps and small or moveable planters is generally discouraged. Planters that obstruct access and important sightlines or interact problematically with buildings and other features are not acceptable. The proposed location of street trees needs to take this into account, rather than simply planting them in spaced out lines along the nature strip.</i> - <i>The mailboxes are accessible only from the public footpath and separated from the stairs by a planter with a tree. They should be positioned where they can be accessed on-site and under shelter by residents/occupants of the building.</i> 	<p>entry journey is now made more direct and visually connected to the street.</p> <p>The fire exit door is relocated away from the street front elevation. The entry forecourt is redesigned to be more open, direct and visually connected to the street.</p> <p>The removal of the ramp allows the inclusion of soft landscaping to the design.</p> <p>Narrow planters on the podium are removed, which also removes walls at height improving sight lines, safety and surveillance.</p> <p>Mailboxes are relocated to the forecourt and sheltered under an awning as requested.</p>
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	<ul style="list-style-type: none"> - <i>The rationale behind the vase shape of the eaves is unclear. It does not relate to important entrance elements. The flat base of the vase aligns with part of an under-cover planter box, part of the wall of the fire stairs and one of the fire exit doors (directing sightlines to those elements). It is angled over the key entrance to the residential lobby. It only partly covers the access ramp. It overhangs most of the planters proposed at the entrance. It will potentially interact with street trees along Belmore Street frontage.</i> <p><i>C. Smith Street and Railway Corridor Frontages</i></p> <p><i>Flood/stormwater issues should be understood prior to developing any scheme for this portion of the site that integrates it into the pedestrian pathway's character and addresses the landform of the adjacent railway corridor.</i></p> <p><i>As discussed in the meeting (see Built form), options to develop a more flexible design for the north-facing portion of the building's ground floor may result in a landscape concept involving front gardens facing the informal pedestrian path to the site's north. The following points are offered:</i></p> <ul style="list-style-type: none"> - <i>Direct access from each unit to the pathway might be desirable</i> - <i>The context may call for informal 'domestic' plantings</i> - <i>Rather than formal street tree plantings, a more natural approach should be taken, based on solar access, horticultural and visual amenity issues. (Clump plantings may work well).</i> 	<p>A newly shaped and lower raking entry awning is redesigned to better align and focus on the key entrance ways to both the residential and commercial lobby.</p> <p>Noted and flood modelling has since been prepared by the engineering team as part of the re-design.</p> <p>The proposed substation is positioned within the mass planting bed to the northern side of the site. Within the vicinity of the substation is a mixture of shrubs/grasses and groundcovers to help minimise its visual impact.</p> <p>As mentioned earlier, legal advice confirms that residential uses are not permissible at ground level in this zone.</p>
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	<p>- <i>The siting of the substation to the north-western corner is commendable but the landscape (or planting) plan should aim to minimise its presence in this low-key streetscape.</i></p> <p><i>The applicant informed the Panel that the WLPP had approved a lesser than 2m setback to the railway corridor for the development on a site to the south (corner of Belmore Street and Victoria Street). The Panel does not accept that this sets a precedent for this site, given the very different levels of the two sites and of the associated portions of the railway corridor, and of the differences between particular constraints affecting each site. Substantial tree plantings for screening to the rail corridor should be included within the set back on the site. Access for maintenance of the landscape and the building should be provided wholly within the site.</i></p> <p><i>The cutout in the building form in its north-western elevation is shown to be landscaped. This is problematic for horticultural management; it is on-slab, enclosed on the north by the building but fully exposed to the west. It needs to be demonstrated that the plantings can be effectively managed.</i></p>	<p>The landscape scheme has provided appropriately sized tree plantings to the north western corner adjacent to the rail corridor. Large tree plantings have potential to create a future maintenance hazard to both Sydney Trains and the buildings Body Corporate.</p> <p>Groundcovers are proposed to the deep soil zone in this location and as such will spill over any exposed slab edge.</p> <p>Subsequent deliberations with State Rail have confirmed that 1.0m setback is sufficient for maintenance access. The 1.0m setback is consistent with DA-2019/1290 at 16-20 Belmore Street (a site 50m south of the proposal. The DA also proposes a podium with carparking to the Railway side and the AHD levels are similar. Substantial trees would become a maintenance risk to the rail boundary interface and are not required to be provided in a B3 commercial core zone.</p>
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	<p><i>D. Private Communal Open Space (COS)</i></p> <p><i>The Panel considers that proposed provision of COS on the level 04 podium is acceptable but that its siting and lay-out could be better. Wrapping it around the northern and eastern facades would allow for better amenity, both of the development and of the streetscape. In the event that the building setbacks to the west and south are increased and require partial undergrounding of carparking, this alternative should be explored.</i></p> <p><i>The following issues of concern are raised with regard to the scheme reviewed for this report:</i></p> <ul style="list-style-type: none"> - <i>Solar access to the COS needs to be demonstrated</i> - <i>Lay-out and design details showing how the scheme relates to environmental impacts (e.g. solar access, wind exposure, noise from trains, views, etc.) are insufficient.</i> - <i>The design lacks sufficient details with regard to the range of different spaces (how they will meet the needs of the anticipated demographic of the building's future residents).</i> - <i>Access to the COS is excellent, being directly from the lift lobby corridor, but the role and nature of the space it enters is unclear.</i> - <i>The linear form of the COS may lead to much of it serving as a corridor to small spaces along the perimeter, reducing its functionality.</i> 	<p>Unit 401 is removed and the space is redesigned to be a communal room with small kitchen and accessible WC.</p> <p>The external COS at level 4 remains exceeds the minimum requirement with the ADG guide and provides 30% of open communal area exclusive of the common room.</p> <p>Refer Solar Access diagrams drawings Refer to A-404 solar access study 02 which confirms compliance.</p> <p>The landscape design for the communal open space has been designed to be functional for all ages / demographics. The outdoor space includes a level grass breakout spaces, outdoor BBQ area as well as a quiet seating areas accessible by all. As above and below</p> <p>The revised scheme provides breakout space as an extension to the communal room. This has removed the lineal nature of the previous design and provide residents a functional space to hold functions, meetings and social events.</p>
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	<ul style="list-style-type: none"> - <i>The COS should be directly linked to a communal room with kitchen and ablution facilities. Designing the communal room to be opened up for inside/outside occasions is encouraged by the panel.</i> - <i>Rather than continuous perimeter planters, carefully positioned breaks should be included to enable views to the street and/or ground level and to valuable outlooks.</i> - <i>The species list should be amended to delete exotic and no-local natives proposed for amenity plantings and replace them with suitable locally indigenous species, particularly in the case of trees.</i> 	<p>The COS room is provided with a kitchen and accessible WC.</p> <p>Continuous planting to the perimeter of the communal space is important for the Communal open space amenity. Whilst the landscape architect recognises the suggestion to provide breaks in the planting beds to outlooks, he feels this can be achieved through planting selection sizes and spacings so not to reduce the landscape amenity.</p> <p>The landscape architect recognises the importance for native species in a landscape setting, however, given the nature of this development and the environmental factors it will face (i.e. wind, sun) a broader species palette of natives and exotics is preferred and will tie in better with the design intent.</p>
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	<p><i>E. Other</i></p> <p><i>Some planters to the balconies of units are irregularly-shaped or very narrow. This may result in problems with plant establishment.</i></p> <p><i>The Panel aims to support local and national aims to protect biodiversity by encouraging the preferential use of locally indigenous plant species in amenity plantings on developments. This helps to support local biodiversity and to reduce water and weed management problems.</i></p> <p><i>The panel discourages the use of loose pebbles as materials for mulch or non-trafficable roof areas.</i></p> <p><i>The panel does not support the use of artificial turf other than in exceptional circumstances.</i></p>	<p>The minimum size of any planter is 500mm (internal dimension) which is sufficient for the smaller species in the planting schedule.</p> <p>Noted and agreed.</p> <p>Noted</p> <p>It would be preferred to use artificial grass in this circumstance. Real grass will require regular mowing and as such would require maintenance crew having to cart a mower and grass clippings through internal lifts and common spaces regularly as part of the maintenance schedule.</p>
Amenity	<p><i>The proposal generally provides well-appointed functional units that will provide good amenity to their future occupants. Suggested minor development to the unit planning include:</i></p> <ul style="list-style-type: none"> - <i>details be provided on sun-control measures for the large east-west facing facades</i> 	<p>Nearly the entire elevation has either awnings or balconies that provide shade.</p>

	<ul style="list-style-type: none"> - refining the plan of the central western units to avoid opening the front door directly towards the lift doors. - reconfiguring entry points to units (where possible) to avoid privacy issues relating to conflicting access off lobbies. - providing a window on the north facing wall of the central west facing units - reconfiguring entry points to master bedrooms to avoid opening directly into living rooms - typical floor to floor heights are below ADG guideline 3.1m. Confirmation that ADG standards are achieved incorporating structure, services, sprinklers is recommended. <p><i>A more direct connection should be created between Belmore Street, the entry steps and the door to the residential foyer. Removing/relocating the proposed planter between the steps and the ramp will allow the steps to align with the entry door (refer to Landscape for additional issues).</i></p> <p><i>Direct access from the commercial/retail spaces to the carpark and waste storage facilities is recommended.</i></p> <p><i>An airlock is required for the access off the lifts lobby to the residential waste storage area.</i></p>	<p>The central unit Type O2 is redesigned so the door openings are not opposite the lift lobby at each level of the building and an additional window provided to the north facing wall as requested.</p> <p>The apartments are small, and the intent is to utilise the available space rather than create corridors.</p> <p>The ADG guideline is 2.7m high ceilings throughout the habitable rooms and the 3.1m floor to floor will make this possible.</p> <p>The entire front entry and approach is redesigned, essentially simplifying the space by removing the planters and ramp and extending the entry stairs across the entire forecourt frontage. A raking awning identifies the entry forecourt from the street and provides weather protection to the area including the mailboxes.</p> <p>A door from the larger commercial space to the carpark is now provided. A door from the smaller space is not possible due to the level change.</p> <p>The design is updated with an airlock to the waste room.</p>
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Safety	<p><i>AC external units are shown on balconies. These should be positioned to ensure they are not visible from the public domain, are a climbing hazard or interfere with effective utility of POS.</i></p> <p><i>Egress/Fire Safety: It is recommended a BCA report confirming adequate emergency access/egress, fire-fighting and any other matters impacting on space and circulation planning accompany development applications.</i></p> <p><i>Narrow triangular 'no man's land' setbacks, as shown, are to be avoided.</i></p>	<p>Noted</p> <p>A preliminary BCA review identified no major egress issues with the building.</p> <p>The narrow setbacks have been widened to allow for ease of access for servicing and the required TPZ.</p>
Housing Diversity and Social Interaction	<p><i>Pending further detail refinement, the proposal will provide an appropriate contribution to this precinct.</i></p>	<p>Noted</p>
Aesthetics	<p><i>The current proposal appears to be largely reliant upon applied finishes. Further development is recommended to incorporate more textured materials (such as brick) into the form of the building.</i></p> <p><i>Any sun control measures, and the range of balcony balustrade treatments proposed should be included in documentation.</i></p> <p><i>Further development of the expression of the southern and western faces of the podium are required to express the building as a form that will be highly exposed and viewed in the round.</i></p>	<p>Brick replaces render finishes where possible.</p> <p>The balustrade consists of two types, typical glazed panels in aluminium frame or vertical aluminium battens which create a pattern across the façade.</p> <p>A proposed pattern of precast panel, ribbed and coloured panels with expressed horizontal and vertical joints and louvre grille openings create an interesting and playful rhythm across the wall. Refer detailed inset on drawing A-204.</p>

	<p><i>The reliance purely upon a variety of applied finish is not sufficient to articulate these four-storey high blank walls. Consideration should be given to providing screened openings and the incorporation of landscaping.</i></p> <p><i>A larger scale detail section would assist in providing a better understanding of the quality of finish being proposed and also help to ensure that the architect's design intent is realised.</i></p> <p><i>Servicing of the building must be considered at this stage of the design process. The location of service risers, car park exhausts, AC condensers, down pipes and fire hydrant boosters should be accommodated. It must also be determined if a sub-station is required. Consideration must be given to both materials and the integration of services.</i></p>	<p>Brick replaces paint where possible. Refer updated materials and colour schedule.</p> <p>Refer updated materials and colour schedule drawing.</p> <p>Service cupboards and risers have been allowed for at each common lobby. Plant rooms are provided for at mezzanine level. A substation is indicated on the ground floor and site plan in the north west corner.</p>
Design Excellence WLEP2009		
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	<i>Further development required.</i>	Noted and updated as described above.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	<i>Further development required.</i>	Noted and updated as described above.
Whether the proposed development detrimentally impacts on view corridors,		

Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	<i>No apparent issues with over-shadowing</i>	Noted and agreed.
How the development addresses the following:		
the suitability of the land for development	<i>Further development of the proposal is required to respond to the constraints of the site. However, the site is well located, within walking distance to the train station and has the potential to accommodate the proposed mix of uses.</i>	Noted
existing and proposed uses and use mix	<i>The potential for successful commercial premises on edge of this commercial center zone appears to be limited. The Panel recommends that commercial spaces are developed to accommodate adaptive reuse, to assist in future-proofing the development</i>	The commercial spaces are double height and could facilitate residential uses in the future.
heritage issues and streetscape constraints,	<i>Further development is recommended to provide a clearer pedestrian entry from Belmore Street and a more active interface with the pedestrian lane (Smith Street).</i>	Refer previous comments.
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,	<i>A built form study should be provided on the remainder of the city block to the south of the subject site.</i>	A built form study is now provided. Refer A-008 and previous commentary.
bulk, massing and modulation of buildings	<i>Generally acceptable. However, further contextual analysis is recommended.</i>	Noted
street frontage heights	<i>The proposed 4 storey podium contributes to an appropriately scaled street.</i>	Noted

environmental impacts such as sustainable design, overshadowing, wind and reflectivity	<i>Refer above.</i>	
the achievement of the principles of ecologically sustainable development	<i>Further information required</i>	Refer SoEE updated to include ESD statement. Also refer PV cells noted across the roof.
pedestrian, cycle, vehicular and service access, circulation and requirements	<i>Acceptable</i>	Noted
impact on, and any proposed improvements to, the public domain	<i>Refer above, noting visual exposure to railway commuters.</i>	The wall is patterned, not blank, refer previous commentary.
Key issues, further Comments & Recommendations	<p><i>A more detailed contextual analysis should be developed to inform the proposals interfaces with its neighbours. A major component of this analysis will be a study of potential future developments on the neighbouring sites to the south. This study should ultimately demonstrate how the proposal contributes to a cohesive pattern of development for the city block. Other detail issues requiring further development / consideration include:</i></p> <ul style="list-style-type: none"> - <i>Increased setbacks to, and further articulation of, the four-storey podium (southern and western edges).</i> - <i>Refinement of street entry</i> - <i>Refinement of communal open space</i> - <i>The provision of SOHO type units to activate the northern interface with the pedestrian lane.</i> - <i>Minor refinements to unit planning</i> - <i>Further development is recommended to incorporate more texture materials (such as brick) into the form of the building.</i> 	<p>A built form study is now provided. Refer A-008 and previous commentary.</p> <p>Refer above and responses as detailed above.</p>



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EXCEPTION TO DEVELOPMENT STANDARD VARIATION STATEMENT

Building Height - Wollongong City Centre

Address: 2 - 8 Belmore Street, Wollongong
Proposal: Mixed Use Development
Date: June 2021

1.0 Introduction

The purpose of this variation statement is to outline the justification for seeking an exception to the maximum building height within Zone B3 Commercial Core (being a development standard) contained within the *Wollongong Local Environmental Plan 2009 (WLEP 2009)*. This variation statement has been prepared in consideration of *Clause 4.6* and *Clause 4.3(2)* (Height of buildings) in *WLEP 2009* and the NSW Department of Planning, Infrastructure and Environment's (DPIE) "*Varying development standards: a guide*" (August 2011).

The advice herein relates to an application for the proposed demolition of existing structures and construction of a new mixed use development at 2 – 8 Belmore Street, Wollongong (the site). In this regard, the proposed development will incorporate the construction of a new fifteen (15) mixed use building containing commercial premises at ground level, with shop top housing above to accommodate 63 residential apartments. It includes four (4) levels of sleeved parking, associated landscaping and stormwater drainage. The details of this proposal are shown within the Development Drawings prepared by ADM Architects (ADM) (attached to the application), which identifies the proposed building height in question. Specifically, the proposed development exceeds the permitted 48m height shown for the land in the *WLEP 2009 Height of Buildings Map*.

The proposed development application seeks to provide an appropriate and balanced development/environmental outcome for the subject site, and the Wollongong City Centre area as a whole. In doing so, an exception to a development standard contained within *Wollongong Local Environmental Plan (LEP) 2009* has been adopted. In this regard, the proposed development generally accords with all *LEP* controls, apart from a numerical variation being requested to the

building height development standards contained within *Clause 4.3 Height of Buildings*. Hence the purpose of this statement.

The request is in writing to address the relevant provisions within *Clause 4.6*, to demonstrate that strict compliance with the development standard is unreasonable in the circumstances of the case and that there are sufficient environmental planning grounds to justify the proposed variation sought.

This statement has been prepared following the NSW Department of Planning Infrastructure (DPI) guideline "*Varying Development Standards: A Guide*" dated August 2011. Applications to vary development standards should also address the 'five-part test' established by the NSW Land and Environment Court (LEC) to determine whether the objection is well-founded. An assessment of this applicant against the 'five-part test' is included in this statement.

2.0 Overview of Clause 4.6

Clause 4.6 provides a framework for varying the applicable development standards under a Local Environmental Plan (LEP).

The objectives of this clause are as follows:-

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

Subclauses 4.6 (3)(a) and (3)(b) state that development consent must not be granted unless the consent authority has considered a written request from the applicant that seeks to justify the contravention 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.*

This Statement provides a written request seeking to demonstrate the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard based on the following rationale (summary):

- Only rooftop solar panels and the lift overrun remain above the 48 metre height plane, consistent with the provisions of *WLEP 2009 Clause 5.6 Architectural roof features*.

- The flood level in the location has resulted in the ground floor level being raised 1m above the natural ground and the building design has incorporated this flood height. Despite the 1m raising of the ground level, only 0.4m exceedance above the building height limit is proposed.
- The extent of the variation above the 48 metres height limit is minor and only 0.4 metres (48.4 metres above natural ground at its maximum point), being just a 0.8% exceedance of this height plane threshold.
- The proposed urban form results in a slimline tower aimed at achieving design excellence for this location, and to reduce the height would partially result in a wider tower footprint, believed to be an inferior urban design outcome at this location.
- The development remains consistent with the objectives of the B3 Commercial Core Zone.
- The proposed contravention of the development standard will not limit the potential for adjoining sites to be developed to their permitted capabilities in future.
- The proposed building height exceedance will not be out of context with the locality or surrounding permitted building heights, noting the nearby development at 2-12 Young Street, 20-26 Young Street, 28-32 Young Street, 6-8 Regent Street, 3 Rawson Street, 15 Railway Parade, Crown Street and Denison Street.

The B3 zone objectives are as follows:

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

The relevant zoning objectives outline a need to strengthen the role of the City Centre by providing for a range of land use activities that support employment and public transport patronage (as above). The proposed development is permissible within the B3 zone as a mixed-use building (i.e. shoptop housing), meeting the needs of the community by providing employment opportunities within proximity to the CBD precinct and public transport including local bus routes and Wollongong train station. Such a proposal is in high demand for the immediate area (from a land-use perspective) and the site itself is very accessible from a patronage and public transport viewpoint. Thus, the proposed development directly accords with the objectives of this zone.

With regard to context and setting, in the immediate context, the property is located at the north-western corner of Wollongong CBD, which is primarily characterised by mixed-use business

development with several new developments under construction or recently completed in Young Street, Belmore Street, Regent Street, Rawson Street and Railway Street. This existing area is host to a range of retail, commercial, and residential uses with many of the existing properties within the immediate setting becoming the site of future redevelopment opportunities in years to come. This is already starting to come to fruition with the development of the adjacent “Victoria Square” (east) as well as the subject proposed development at hand. The proposed development has demonstrated that a functional building can be provided, including appropriate car parking and access, landscaping and private open space areas, without detrimentally impacting the surrounding properties.

An aerial view of the subject site is shown in *Figure 1*.



Figure 1: Aerial View of the Site and Locality (*Source: Near Maps)

In summary, it is concluded that the development standard is unreasonable or unnecessary in the circumstances of the case (subclause 4.6 (3)(a)).

A subclause 4.6 (3)(b) assessment of the proposal under the applicable planning controls has determined that besides the proposed variation to building height requirement and minor *WDCP 2009* variations, the development is largely compliant with the applicable controls. However, as demonstrated in this report, the proposed design mitigates any adverse impacts from the excess building height. In addition, solar access is not compromised to adjoining lots and amenity (privacy, visual, acoustic etc.) of the surrounding lots and the general area will not be unreasonably impacted by the development.

The proposed building has been designed to respond appropriately to the limitations posed by the site and is considered to be a reasonable development outcome for the site. The proposed building will not detrimentally impact solar access or visual and acoustic privacy and is an appropriate urban form that will contribute positively to the streetscape.

In summary, it is considered that there are sufficient site-specific environmental planning grounds to justify contravening the development standard.

Furthermore sub *Clause 4(a)(i)* and *(ii)* provide that development consent must not be granted 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 secretary has been obtained.*

This written request has adequately addressed the matters required to be demonstrated by subclause (3). It is considered that the departure from the maximum building height requirement, is in the public interest as outlined above in (3) (a).

In deciding whether concurrence is to be granted or assumed, the following considerations are relevant:-

- (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 Secretary before granting concurrence.*

It is noted that as of 21 May 2014 Council has assumed concurrence under subclause (3) (b) of the Secretary for development applications that contravene development standards.

3.0 Details of the environmental planning instrument, the applicable development standard and proposed variation.

3.1 What is the applicable environmental planning instrument (EPI)?

The *Wollongong Local Environmental Plan 2009 (WLEP 2009)*.

3.2 What is the development standard being varied?

The Height of Buildings requirement contained in *Part 4 - Clause 4.3(2)* of the *WLEP 2009* which states:

“(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”.

A maximum building height of 48m applies to the site, as shown in the extract from the Height of Buildings Map in *Figure 2* below.

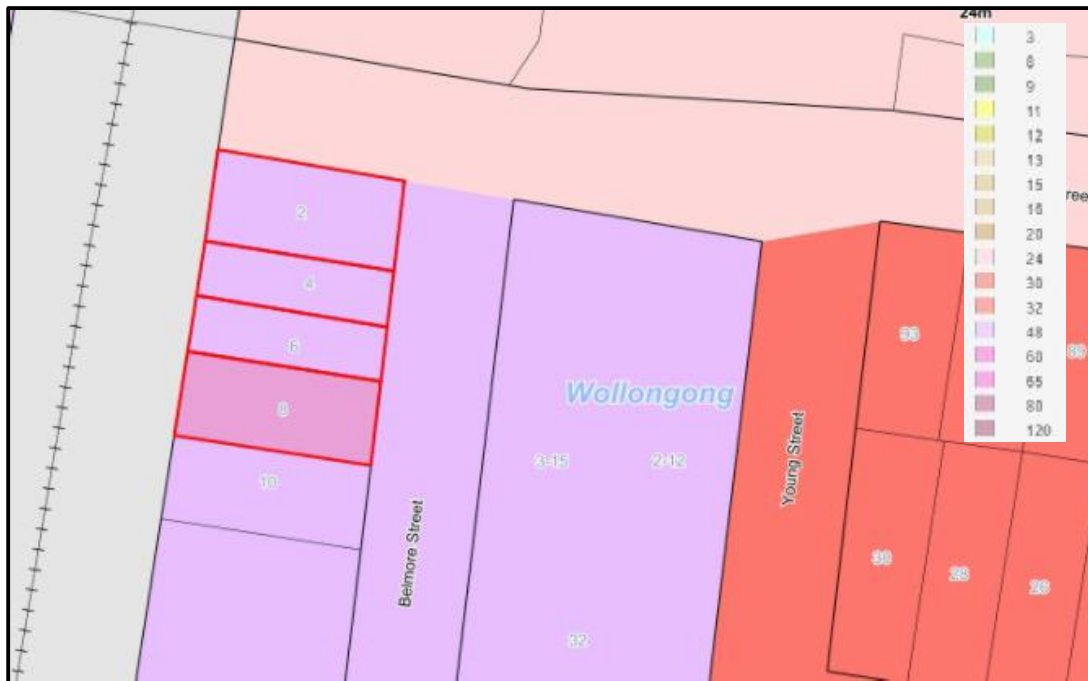


Figure 2: Extract of the WLEP 2009 Height of Buildings Map (*Source: Wollongong Council)

The proposed development has a maximum building height of 48.4m to the southern elevation being fifteen (15) storeys in height.

The site and roof plan (*Figure 3*) detail the features of the roof and the location of the lift overrun and photovoltaic panels. The extent of this encroachment above the 48 metre height plane is shown in the Section and the eastern elevation prepared by ADM and extracted below in *Figures 4 and 5*.

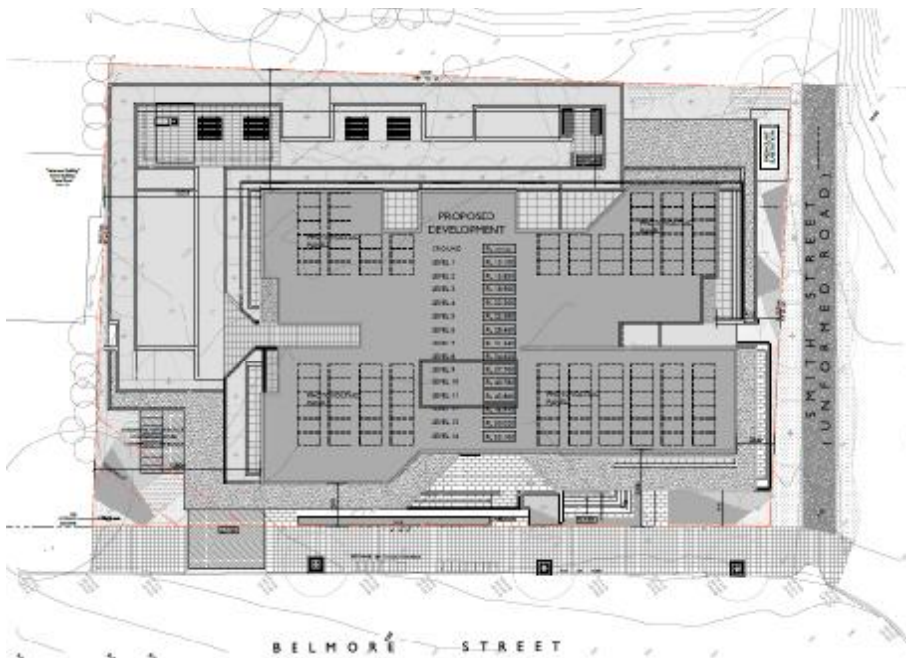


Figure 3: Proposed Site and Roof Plan (*Source: ADM)



Figure 4: Proposed eastern elevation (*Source: ADM)

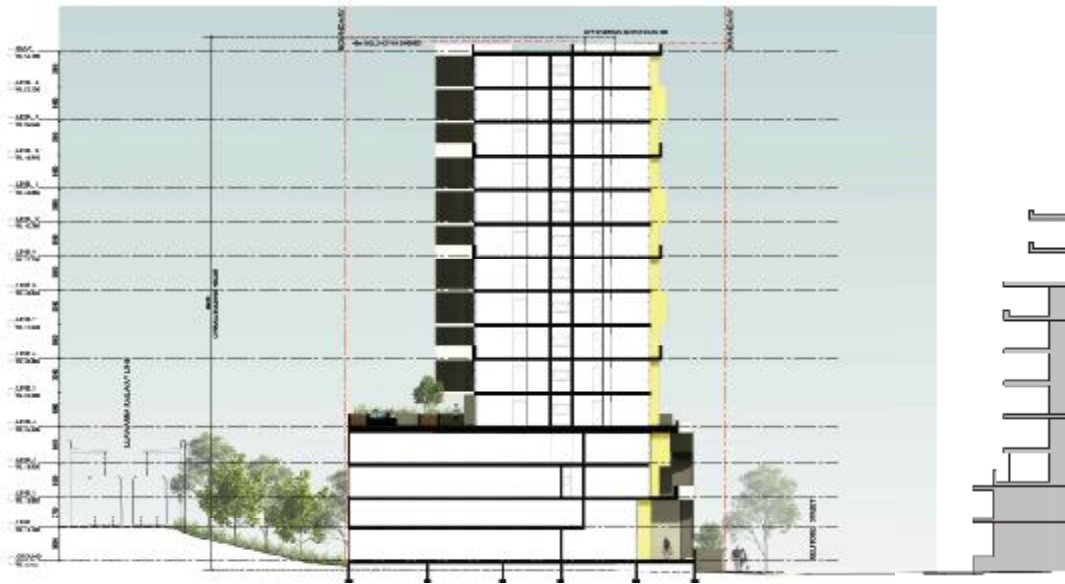


Figure 5: Proposed section showing 48m height limit with lift over run dashed (*Source: ADM)

3.3 What are the objectives of the standard?

The objectives of this clause are as follows—

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.

Further consideration of this objective concerning the proposed development is provided within the following sections below.

3.4 What is the percentage variation (between the proposal and the EPI)?

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height shown for the land on the Height of Buildings Map is 48m. The application proposes parts of the development above 48m with a maximum height of 48.4m above ground level (RL 56.58). This equates to a 0.8% variation to the development standard.

The maximum height is illustrated in the section prepared by ADM (see Figure 5). As shown, the extent of the variation relates to the solar panels and lift over-run and represents a small footprint at this height.

4.0 Assessment of Proposed Variation

4.1 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Yes, compliance with the development standard is unreasonable in the circumstances.

In *Wehbe v Pittwater Council* [2007] NSWLEC827 (*Wehbe*), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While *Wehbe* related to objections according to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 because subclause 4.6(3)(a) replaced SEPP 1 on repeal and uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

The five (5) ways outlined in *Wehbe* include:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Way)
2. The underlying objective of the purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)
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 (Fourth Way)
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or

unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the objectives of the standard are achieved irrespective of the non-compliance with the building height controls, and accordingly justifies the variation to the building height control according to the First Way and Forth Way outlined in Wehbe, as follows.

The objective of the Development Standard:

Under WLEP 2009, Clause 4.3(1) has the following objectives concerning the Height of Building development standard:

- (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) *to permit building heights that encourage high quality urban form,*
- (c) *to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

Floor space

This clause applies to land in the Wollongong City Centre and sets aside the provisions contained within *Clause 4.4* (i.e. the maximum Floor Space Ratio (FSR) of 1.5:1 shown on the Floor Space Ratio Map).

Clause 4.4A(3) provides:

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

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

where—

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

The site has an area of 1810m² with the development including a mix of commercial and residential uses and as such, the maximum FSR applicable to the proposed development is 3.377:1 (or 6109.94m²). The development proposes an FSR of 3.376:1 (or 6104.8m²) including two (2) surplus

residential car spaces. The proposal complies with the applicable development standard in this regard.

The breach of the standard does not result in an inconsistency with this objective.

High Quality Urban Form

The proposed development will incorporate the construction of a new fifteen (15) storey mixed-use building containing commercial premises at ground level, with shop top housing above to accommodate 63 residential apartments. It includes four (4) levels of sleeved parking, associated landscaping and stormwater drainage. The proposal incorporates attractive and well-considered architectural design, materials and details which reflect the proposed high-quality mixed-use development. The proposal involves well-articulated façades with the incorporation of a tower building envelope. The proposal will deliver good internal amenity for prospective residents and commercial occupants.

The materials and finishes will create visual interest and compatibility with the surrounding development. These include expansive glazing, black steel structures and window framing, and space for potential public art. The proposed building form is appropriate for the future streetscape of Belmore Street which shows future development of comparable or greater bulk and scale.

The overall envelope is an appropriate design and scale which reflects the site's constraints and GFA anticipated by the WLEP 2009. The tower building form provides a seamless and visually interesting built form with the lower of the development defining Belmore Street with an increased setback above the 4 level podium. The design supports a fine grain network and activation of the primary street frontage by enhancing permeability, activation and surveillance. The proposal includes continuous pedestrian pathways along the frontage and high quality materials and features in shared spaces.

The portion of the building that exceeds the height does not add to the bulk and scale of the development and is concentrated to only a portion of the overall building footprint.

The breach of the standard does not result in an inconsistency with this objective.

Views and Solar access

As demonstrated in the extracts of the Architectural Plans by ADM, the proposed tower breaks the skyline above street frontage for visual interest. The street alignment of the podium helps define the Belmore Street corridor.

Notwithstanding the above, it is acknowledged that there will be some overshadowing to the south of the site to which preliminary shadow diagrams prepared by ADM architects illustrate shadowing impacts on the adjoining developments. Overall the shadow impacts are minimised due to the proposed slender built form of the tower and the increased setback to this elevation.

The proposed development sits within the context of the site and surrounding permitted building heights. This is especially relevant when considering the 60 metre height permitted to the south of the site with this site not having a direct allotment connection on the northern elevation. Therefore, the minor exceedance in height will not be noticeable or out of context with the higher permitted building forms (in terms of possible RLs AHD) south of the site.

The proposed height is compatible within its context and will not result in any adverse impacts to surrounding properties. The breach of the standard allows for a building that achieves an improved built form and a built form that is consistent with the urban design principles established in the WLEP 2009 (Wollongong City Centre Area). This includes providing an adequate setback to the street, side, and rear boundaries. If the breach did not occur; the built-form outcome would be compromised as it would otherwise result in a poorer streetscape presentation of the deliberate slender building form.

The proposed development will not be out of context with its setting, and the breach in height limit will not create inconsistency with the nearby Victoria Square Development of a similar scale.

For further visual analysis and contextual images, refer to the drawings prepared by ADM architects and attached to the application.

On this basis, the proposed development has been assessed against each objective contained in Clause 4.3(1) of WLEP 2009. Thus, deeming strict compliance in accordance with the First Way is unwarranted in the circumstances of this particular case.

Development Standard Abandoned:

In relation to the Fourth Way *“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 (Fourth Way)”* it is noted that the following approvals have proposed the same variation and have been approved thereby abandoning the development standard:

DA-2018/1481: 22 Robert Street CORRIMAL

Mixed Use Residential - residential flat building comprising 21 apartments above basement car parking, 13 townhouses with double garages and tree removals and Subdivision - Strata title - 34 lots

Extent: permitted 9m and approved 10.075m = 11.9% variation

DA-2018/1517: 145-149 Princes Highway CORRIMAL

Mixed use development comprising 1 retail tenancy, 13 affordable units, 15 self-contained boarding house studios and associated car parking and landscaping works

Extent: permitted 15m and approved 16.68m = 11.2% variation

DA-2017/749: 101 Montague Street NORTH WOLLONGONG

Industrial - demolition of existing structures and construction of automotive service centre with associated carparking and riparian revegetation works

Extent: permitted 9m approved 9.86m = 9.55% variation

DA-2006/1156/D: 14 Virginia Street, NORTH WOLLONGONG

Demolition of all existing structures/buildings and construction of a multi-unit residential flat building comprised of 4 x 3 bedroom, 23 x 2 bedroom and 9 x 1 bedroom units over basement parking Modification D - awning to penthouse level

Extent: 6.7%

DA-2018/313: 2 Frederick Street WOLLONGONG

Residential - demolition of existing structures and construction of a boarding house development

Extent: permitted 16m and approved 17.76m = 11% variation

DA-2003/1680/F: 17 Kembla Street WOLLONGONG

Demolition of existing structures and construction of an eight (8) storey residential unit building comprising nine (9) x two (2) bedroom units and ten (10) x three (3) bedroom units with basement parking for 31 vehicles Modification F - modification to raise levels 700mm

Extent: Permitted building height 24m – approved height 29m

DA-2020/605: 17 Kembla Street WOLLONGONG

Residential - new rooftop pergola to existing roof terrace

Extent: permitted 24m and approved 29.32m

DA-2020/35: 22/100-104 Corrimal Street WOLLONGONG

Residential - construction of roof level cabana for Unit 22

Extent: permitted 24m and approved 26.4m

Reviewing these examples, it is reasonable to say that some flexibility has been shown by Council in the past in applying the maximum height control where there are particular circumstances that would warrant it. Many of these examples and Council's acceptance relates to the fact that exceedance has not been relative to GFA, and primarily included lift overruns, plant equipment, roof

form features or pergolas et cetera, all of which is akin to the subject proposal. The example at 101 Montague Street, North Wollongong requested a variation to the maximum building height due to flooding constraints like this request.

Whether the standard has been abandoned or not is a matter for interpretation. For example, is one variation to this development standard enough to interpret as abandonment, or 100 variations. Notwithstanding, it is clear that examples for circumstances such as this particular case have warranted Council abandoning the height control on such occasions. Thus, deeming strict compliance with the Height of building development standard is unwarranted (Forth Way) in the circumstances of this particular case.

4.2 Are there sufficient environmental planning grounds to justify contravening the development standard?

“Environmental planning grounds” take their colour from the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (EPA Act), including its objects. The below provide a breakdown of the key environmental planning grounds which support the proposed variation request, including:

The unique circumstances at the site which warrant the proposal to exceed the permissible height for this site:

The development at this height limit, whilst maintaining other development standards, has an appropriate FSR for this site. The proposal to exceed the permissible building height is a direct result of the flood level at this site and the result of increasing the building level to 1m. Logically, restricting a built form envelope by this amount is completely impractical for a City Centre B3 zoned site at this location and, therefore, unreasonable to consider in this instance. The proposal is a unique location being the north west corner of Wollongong CBD. The site is within the vicinity of Wollongong Train Station where increased building heights up to 120m are located along the Railway Corridor. Given the extent of variation between the building heights in the immediate vicinity, the variation is not considered significant in the scheme of the development and the context.

In order to achieve height and FSR compliance for a proposed development on this site will require a bulkier tower, which is not likely to achieve design excellence.

The adjoining sites are still able to achieve adequate solar access and privacy.

The proposed building form does not result in any significant adverse impacts and achieves a good urban development outcome for the site:

The building height is a direct design response with the intent to allow the site to respond to the demand for commercial floor space and residential development in the area, whilst supporting Wollongong Councils objectives for built form within the B3 zoned City Centre.

The proposed bulk and scale of this building is considered appropriate for this City Centre location, and will not detrimentally affect the visual appearance of the area (in fact it will substantially improve an aged part of the City, which is undergoing change with other similar scale redevelopments occurring nearby). The overall height and form of the development is consistent with expected future desired character strategies for the area.

The proposal incorporates attractive and well-considered architectural design, materials and details which reflect the proposed high-quality mixed use development inclusive of commercial uses. The proposal involves well-articulated façades. The proposal will deliver good internal amenity for residents and commercial occupants.

Again, the adjoining sites are still able to achieve their maximum permitted, height, FSR and building forms with good access to views and solar amenity.

The maintenance of design excellence through the proposed alternate strategy, which has been designed to be a core element of the delivery of the integrated station development outcome:

Pursuant to Clause 7.18(2)(a) of WLEP, as the site is identified to be located within the Wollongong city centre boundary the proposed development must exhibit design excellence, and consider and comply with the objective and controls of Clause 7.18.

“ 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,*
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
- (c) whether the proposed development detrimentally impacts on view corridors,*
- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,*
- (e) how the proposed development addresses the following matters:*

- (i) the suitability of the land for development,*
- (ii) existing and proposed uses and use mix,*
- (iii) heritage issues and streetscape constraints,*
- (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,*
- (v) bulk, massing and modulation of buildings,*
- (vi) street frontage heights,*
- (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
- (viii) the achievement of the principles of ecologically sustainable development,*
- (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*
- (x) impact on, and any proposed improvements to, the public domain."*

The architectural design, materials and detailing are of a high standard that is appropriate to the building type and location. The external appearance and form of the development will improve the quality and amenity of the public domain in the immediate vicinity of the site.

The land is suitable for the proposed mixed use development and the allocated mix of commercial/residential floor space, given the location of the site on the north western edge of the City Centre.

The proposal will be compatible with future developments in the immediate vicinity of the site (including the mixed use development at Victoria Square opposite) and therefore will enhance the streetscape.

The location of the tower and the proposed bulk, massing and modulation of the building is acceptable and does not result in any unreasonable loss of amenity to any of the adjoining properties. The proposed street frontage heights are considered appropriate having regard to the surrounding context and scale of development.

The proposal will have no significant adverse environmental impacts in terms of sustainability, overshadowing, wind and/or reflectivity and the requested building height is a direct response to the flood levels required on site. Relevant details have been provided in this regard to enable a full assessment (i.e. shadow diagrams, wind report, BASIX certificates etc).

Access to the site has been carefully considered in a variety of forms (i.e. for pedestrians, motorists and cyclists alike), with suitable provisions to allow for service access and circulation. The proposed development will have a positive impact on the public domain and interface of Belmore Street and rear to the South Coast train line.

This will significantly improve the amenity and character of the blocks/precinct surrounding the location. It will also allow for natural surveillance of the area with regards to the principles of Crime Prevention Through Environmental Design (CPTED).

The delivery of a development outcome which does not result in any adverse environmental impacts

The proposed development has been designed will incorporate best practice initiatives with regards to ecologically sustainable development (ESD) principles, in order to achieve the sustainability requirements of Section J of the NCC (as well as Council guidelines under Wollongong DCP 2009). In this regard, sustainability specialists have been engaged to review opportunities for ESD initiatives to be put into the design, construction and ongoing operation of the proposed mixed use development.

As above, we acknowledge the proposed development will bring some overshadowing impact upon the neighbouring properties to the south. Practically, due to site orientation it would be almost impossible to redevelop the subject site for anything greater than a few storeys without having any impact whatsoever. However, this overshadowing will not be adverse due to the location of the tower to the front of the site and having compliance with the building separation standard outline in WLEP 2009 (Clause 8.6).

The proposed building height is deemed reasonable and acceptable due to the reduced impacts to privacy and overlooking, created specifically by responsive architectural interface treatment to these boundaries.

The development has been specifically designed to provide a suitable environment for all future residents of the mixed used development, while respecting the considerations of adjoining land uses. The internal layout of the rooms attempt to minimise overlooking with the careful location of window and door openings.

Acoustic privacy for future residents and neighbouring land uses has also been taken into account, with the proposed development being designed to limit noise intrusion into adjoining properties through the use of appropriate building materials and associated noise control treatments. The proposed development has been supported by a Harwood Acoustics, which provides a range of acoustic recommendations to ensure the proposed development will comply with the relative sections of the EPA and Council requirements/conditions, and will not create any offensive noise to the surrounding residents.

Overall, it is evident from the above commentary provided that there are sufficient planning grounds to justify contravening the height of building development standard identified. To this end, strict compliance with the numerical development standards are both unwarranted and unnecessary in this instance.

4.3 Does contravening the development standard raise any matters of significance for the State or regional environmental planning?

No, contravening the development standard in this case does not raise any matters of State or Regional planning significance.

4.4 Is the objection well founded?

Yes, for the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance. Granting an exception to the development standard can therefore be supported in the circumstances of the case.

The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in *Section 1.3* of the *EPAA 1979*.

5.0 Conclusion

The proposed variation is based on the reasons contained within this request for an exception to the stated *Height of Building* requirement, being a development standard contained within the *WLEP 2009*. The proposal will not result in any adverse impacts with regards to the amenity of the adjoining properties.

The proposed non-compliance is unlikely to result in any future precedents given the surrounding pattern of development and the combination of zoning and other associated controls currently in place. In this instance, there are sufficient environmental planning grounds to justify contravening the development standard.

In conclusion, the objection is considered to be well founded on planning grounds and compliance with the standard is unreasonable in the circumstances of the case.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD



LAUREN TURNER

SENIOR TOWN PLANNER BUrbRegPlan MPIA

ATTACHMENT 7 – Apartment Design Guide Assessment

Key SEPP 65 standards			
	Required	Proposed	Compliance
3D Communal and public open space	Communal open space (COS) has a minimum area equal to 25% of the site. Minimum of 50% direct sunlight to the principal usable part of the COS for a min of 2 hours between 9am- 3pm mid winter	Required: 25% x 1,810 m ² = 452m ² Communal open space having an area of 628m ² with complying solar access is provided on the podium.	Yes
3E Deep soil zones	Less than 650m ² - N/A 650m ² - 1,500m ² - 3m Greater than 1,500m ² - 6m Deep soil zone (7% of site area)	Site area is 1,810m ² and requires 127m ² deep soil zone. No deep soil provided. The site is in the City Centre and 67m ² landscaped area is provided.	N/A
3F Visual privacy (separation distances from buildings to the side and rear boundaries)	Up to 12m (4 storeys) - 6m (habitable rooms & balconies) 3m (non – habitable rooms) Up to 25m (5-8 storeys) – 9m (habitable rooms & balconies) 4.5m (non – habitable rooms)	The proposed building does not adjoin and residential properties.	N/A
3J Bicycle and car parking (Nominated regional centres; Wollongong, Warrawong, Dapto)	RMS Guidelines – 0.6 spaces per 1 bed unit 0.9 spaces per 2 bed unit 1.4 spaces per 3 bed unit 1 space per 5 units (visitors)	61 residential spaces (including 7 adaptable) 13 visitor spaces Provided in accordance with RMS Guidelines (as referenced in ADG)	Yes
4A Solar and daylight access	Living rooms and private open space, 2 hours direct sunlight in mid-winter to 70% of units. Units receiving no direct sun light between 9am and 3pm mid-winter 15% maximum	49 Apartments (78%) achieve min 2hours sunlight between 9am and 3pm midwinter.	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.	84% of apartments will be cross ventilated.	Yes

4C Ceiling heights	Habitable rooms 2.7m Non-habitable 2.4m	2.7m ceiling heights provided	Yes
4D Apartment size and layout	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 90m ²	1 bed – 58m ² 2 bed – 78m ² 3 bed – 101m ²	Yes
4E Private open space and balconies	Studio apartments 4m ² - depth N/A 1 bedroom apartments 8m ² min depth 2m 2 bedroom apartments 10m ² min depth 2m 3+ bedroom apartments 12m ² min depth 2.4m	All balconies exceed minimum requirements	Yes
4F common circulation spaces	The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Maximum number of apartments of a circulation core is 5. 2 lifts provided to service 63 apartments	Yes
4G Storage	Storage Required: 1 bed - 7 x 6m ³ = 42m ³ 2 bed - 45 x 8m ³ = 360m ³ 3 bed - 11 x 10m ³ = 110m ³ Total required: 512m³	Storage is provided within apartments and in Basement which meets this requirement.	Yes

Part 4 – Designing the building - Configuration

		Compliance
4K Apartment mix <u>Objective 4K-1</u> <i>A range of apartment types and sizes is provided to cater for different household types now and into the future</i> <u>Objective 4K-2</u> <i>The apartment mix is distributed to suitable locations within the building</i> Design guidance - Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available	A variety of apartment types is provided The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups	Yes

4L Ground floor apartments <u>Objective 4L-1</u> <i>Street frontage activity is maximised where ground floor apartments are located</i>	Shop top housing is proposed with no ground floor residential units	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> <i>Building functions are expressed by the facade</i> Design guidance - Building entries should be clearly defined	Facades are appropriate and overall design is acceptable with regard to the design excellence provisions of the LEP. The design was acceptable to the Design Review Panel with the inclusion of some amendments which has been addressed by in amended plans.	Yes
4N Roof design <u>Objective 4N-1</u> <i>Roof treatments are integrated into the building design and positively respond to other street</i> Design guidance - Roof design should use materials and a	The roof design is considered acceptable and incorporates solar panels	Yes

<p>pitched form complementary to the building and adjacent buildings.</p> <p><i>Objective 4N-2</i> <i>Opportunities to use roof space for</i> Roof design is acceptable Yes <i>residential accommodation and open space are maximised</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Habitable roof space should be provided with good levels of amenity. - Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations <p><u><i>Objective 4N-3</i></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>4O Landscape design</p> <p><u><i>Objective 4O-1</i></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><i>Objective 4O-2</i></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 • views • significant landscape features 	<p>Landscape design is satisfactory. Satisfies relevant provisions and is satisfactory to Council's landscape Section</p>	<p>Yes</p>
<p>4P Planting on Structures</p> <p><u><i>Objective 4P-1</i></u> <i>Appropriate soil profiles are provided</i></p> <p>Design guidance</p>	<p>Appropriate planting is provided on podium</p>	<p>Yes</p>

<p>- Structures are reinforced for additional saturated soil weight</p> <p>- Minimum soil standards for plant sizes should be provided in accordance with Table 5</p> <p><u>Objective 4P-2</u></p> <p>Minimal planting on structure proposed; most landscaping will occur in the ground</p> <p>N/A</p> <p><i>Plant growth is optimised with appropriate selection and maintenance</i></p> <p>Design guidance</p> <p>- Plants are suited to site conditions</p> <p><u>Objective 4P-3</u></p> <p><i>Planting on structures contributes to the quality and amenity of communal and public open spaces</i></p> <p>Design guidance</p> <p>- Building design incorporates opportunities for planting on structures.</p> <p>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>where communal open to provide satisfactory amenity for residents.</p>	
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<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>Adaptable units proposed satisfy relevant requirements</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>Adaptable units proposed within the complex satisfy relevant criteria</p>	<p>Yes</p>
<p>4S Mixed use</p> <p><u>Objective 4S-1</u></p>		

<p><i>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Mixed use development should be concentrated around public transport and centres - Mixed use developments positively contribute to the public domain. <p><u>Objective 4S-2</u> <i>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Residential circulation areas should be clearly defined. - Landscaped communal open space should be provided at podium or roof levels 	<p>Active street frontage provided.</p> <p>The relationship between commercial and residential units is satisfactory.</p> <p>Residential circulation is clearly defined and a landscaped podium is provided as communal open space for residents.</p>	<p>Yes</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 are provided along Belmore Street frontage with continuous access to the main entry providing weather protection and to identify main entry points.</p>	<p>Yes</p>
<p>Part 4 – Designing the building - Performance</p> <p>Compliance</p> <p>4U Energy efficiency</p> <p><u>Objective 4U-1</u></p>		

<p><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></p> <p><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></p> <p><i>Adequate natural ventilation minimises the need for mechanical ventilation</i></p>	<p>Compliant. Compliant solar access, ventilation. Satisfies BASIX requirements</p>	<p>Yes</p>
<p>4V Water management and conservation</p> <p><u>Objective 4V-1</u></p> <p><i>Potable water use is minimised</i></p> <p><u>Objective 4V-2</u></p> <p><i>Urban stormwater is treated on site before being discharged to receiving waters</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Water sensitive urban design systems are designed by a suitably qualified professional <p><u>Objective 4V-3</u></p> <p><i>Flood management systems are integrated into site design</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Detention tanks should be located under paved areas, driveways or in basement car parks 	<p>Satisfies BASIX requirements</p> <p>Flood and stormwater management is acceptable</p>	<p>Yes</p>
<p>4W Waste management</p> <p><u>Objective 4W-1</u></p> <p><i>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents</i></p>	<p>Appropriate arrangements proposed. Compliant</p>	<p>Yes</p>

<p>Design guidance</p> <ul style="list-style-type: none"> - Common waste and recycling areas should be screened from view and well ventilated <p><u>Objective 4W-2</u> <i>Domestic waste is minimised by providing safe and convenient source separation and recycling</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas 	<p>acceptable waste storage rooms</p>	
<p>4X Building maintenance</p> <p><u>Objective 4X-1</u> <i>Building design detail provides protection from weathering</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used. <p><u>Objective 4X-2</u> <i>Systems and access enable ease of maintenance</i></p> <p>Design guidance</p> <ul style="list-style-type: none"> - Window design enables cleaning from the inside of the Building <p><u>Objective 4X-3</u> <i>Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant</i></p>	<p>Acceptable</p>	<p>Yes</p>

ATTACHEMENT 8 - WDCP 2009 Assessment

CHAPTER D13 – WOLLONGONG CITY CENTRE

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>2.2 Building to street alignment and street setbacks</u></p> <p>Build to 3m from the street alignment.</p> <p>b) Notwithstanding the above, development is to meet the street building line and setback for specific streets as shown in Figure 2.2.</p> <p>Figures 2.2 and 2.3 indicates: nil setback frontage for the subject site at street level with 4m setback above street frontage height (see Clause 2.3).</p> <p>c) Balconies may project up to 600mm into the front building setbacks if the cumulative width of all balconies at that level totals no more than 50% of the horizontal width of the building façade.</p> <p>d) Minor projections into front building lines and setbacks for sun shading devices, entry awnings are permissible.</p> <p>e) The Commercial Core, Mixed Use (City Edge) and Enterprise Corridor zones are subject to a requirement for corner properties to provide a 6m x 6m corner splay.</p>	<p>-Nil to Belmore Street and Smith Street (unformed)</p> <p>-3m setback above street frontage height (SFH)</p> <p>-balconies are consistent with SFH or 3m setback as required.</p> <p>The site is not located on a corner</p>	<p>Yes</p> <p>N/A</p>
<p><u>2.3 Street frontage heights in commercial core</u></p> <p>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</p>	<p>Street frontage height is 12.25m</p>	<p>Yes</p>
<p><u>2.4 Building depth and bulk</u></p> <p>Residential and serviced apartments outside the Commercial Core – max floor plate 900m2</p>	<p>Property is within commercial core</p>	<p>N/A</p>
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <ul style="list-style-type: none"> • Minimum building setbacks from the side and rear property boundaries:- • Up to street frontage height (24m): 0m to side & rear (Ground to L2 terrace). • All uses (including non habitable residential) above street frontage height: 6m to side & rear • All uses above 45m: 14m <p>Note: building separation is governed by Clause 8.6 of WLEP 2009.</p>	<p>N/A as ADG controls prevail over the DCP.</p>	<p>N/A</p>

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.6 Mixed used buildings</u> a) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor b) minimum floor to ceiling heights are 3.3m for commercial office and 3.6m for active public uses c) separate commercial service requirements such as loading docks from residential access, servicing needs and primary outlook d) locate clearly demarcated residential entries directly from the public street	3.05m ceiling height for the ground floor commercial spaces with the larger premises having a void above. -Clearly identified residential entries provided directly from public street	Yes
<u>2.7 Deep soil zone</u>	Not applicable in city centre context	N/A
<u>2.8 Landscape design</u>	Landscape plan is generally reasonable and is compatible with the civil and stormwater plans. A number of conditions are recommended in relation to landscaping matters.	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	Planting on structures will be provided on non-trafficable roof/podium 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 access planes	Yes
<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	Link to pathway on northern side not able to be provided due to flood level requirements.	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.	Active street frontage provided. Floor level constraints posed by the flood affectation of the site	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. Active office uses, such as reception, if visible from the street.</p> <p>In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level.</p> <p>Active street fronts are required along streets for all buildings in the Commercial Core</p> <p>Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.</p>	prevents the ground floor uses from being at the footpath level.	
<p><u>3.4 Safety and security</u></p> <ul style="list-style-type: none"> • Ensure that the building design allows for casual surveillance of accessways, entries and driveways. • Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks. • 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 <p>Provide clear lines of sight and well-lit routes throughout the development.</p> <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 	<p>Appropriate conditions of consent will be applied requiring lighting of all public areas. The design has been assessed as satisfactory in terms of safety and security with clear sightlines and no areas where entrapment can occur.</p>	Yes

Objectives/controls	Comment	Compliance
directed to signalised intersections rather than mid-block in the Commercial zone		
<u>3.5 Awnings</u>		
Continuous street frontage awnings are to be provided to public streets.	The proposal provides an awning to the Belmore Street frontage.	
<u>3.6 Vehicular footpath crossings</u>		
<ul style="list-style-type: none"> • 1 vehicle access point only (including the access for service vehicles and parking for commercial uses) will be generally permitted • Double lane crossing with a maximum width of 5.4 metres may be permitted • Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade. • Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street 	One vehicle access point is proposed off the Belmore Street frontage. The basement entry, loading dock and waste rooms are located behind the building façade. The vehicular access and loading arrangements are satisfactory to Council's Traffic engineer	Yes
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	N/A	N/A
<u>3.8 Building exteriors</u>		
<ul style="list-style-type: none"> • Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment and street frontage heights; setbacks above street frontage heights; appropriate materials and finishes selection; façade proportions including horizontal or vertical emphasis; • Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged. • 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 	The proposal has been assessed against the relevant criteria and is considered satisfactory	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</p> <ul style="list-style-type: none"> • 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. • Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass. • 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. 		
<u>3.9 Advertising and signage</u>	N/A – Commercial premises will be subject to separate applications where required	Yes
<u>3.10 Views and view corridors</u>	The potential impacts posed by the proposal have been considered and it is unlikely that any view loss will occur.	Yes
<ul style="list-style-type: none"> • Existing views shown in Figure 3.12 are to be protected to an extent that is practical. • Align buildings to maximise view corridors between buildings 	The potential impacts posed by the proposal have been considered and it is unlikely that any view loss will occur.	Yes
4 Access, parking and servicing		
<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
4.2 Pedestrian access and mobility		

Objectives/controls	Comment	Compliance
<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><u>4.3 Vehicular driveways and manoeuvring areas</u></p> <ul style="list-style-type: none"> • Driveways should be: <ul style="list-style-type: none"> i) Provided from lanes and secondary streets rather than the primary street, wherever practical. ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees. iii) Located a minimum of 6m from the nearest intersection iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary. • Vehicle access is to be designed to: 	<p>One vehicle access point is proposed to/from Belmore 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 12.5m Large Rigid Vehicle for servicing.</p>	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>i) Minimise the impact on the street, site layout and the building façade design; and</p> <p>ii) If located off a primary street frontage, integrated into the building design.</p> <ul style="list-style-type: none"> • 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>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 an undercroft level and 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>	Yes

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<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. 		
<p><u>4.5 Site facilities and services</u></p> <p>The building is serviced by the major utilities and the proposal is not expected to result in any need to augment these services.</p>	<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.</p> <p>On-site collection is proposed; there is sufficient manoeuvring area for servicing.</p> <p>Loading zone and dock proposed; sufficient</p> <p>Conditions are imposed in relation to the management of waste and bins.</p>	Yes
5 Environmental management		
<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>5.2 Energy efficiency and conservation</u></p>	<p>A NABERS Base Building Energy Assessment report was provided with the DA which demonstrates the building will comply with Section J of the BCA 2016, using the deemed to satisfy method and is on track to achieve a 5 star NABERS Base Building Energy Rating.</p>	
<p><u>5.3 Water conservation</u></p> <p>Minimise water consumption</p>	<p>Water minimisation measures employed</p>	Yes
<p><u>5.4 Reflectivity</u></p>		

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
Limit material reflectivity	Conditions of consent will ensure compliance.	Yes, with conditions
5.5 Wind mitigation A wind impact statement required for buildings over 32m in height	A Wind study was undertaken	Yes
<u>5.6 Waste and recycling</u>	A waste management plan has been provided which demonstrates that waste collection complies with the requirements of this clause	Yes

6 Residential development standards

See ADG Assessment – Attachment 7

7 Planning controls for special areas

The site is not located within a special area.

8 Works in the public domain

Appropriate conditions of consent are proposed in relation to works in the public domain to be carried out in accordance with the Wollongong City Centre Public Domain Technical Manual

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The building has been appropriately designed with regard to disabled persons' access and facilities.

The applicant submitted an access report with the DA which addresses the relevant provisions of the BCA and applicable standards including AS 1428.

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

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

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

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

Adequate car parking is provided, and onsite loading and waste collection is provided, accessed off Belmore 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

The site does not impact any heritage listed properties

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

Refer to discussion in relation to Clause 7.3 of WLEP 2009. A revised flood study is required.

CHAPTER E14: STORMWATER MANAGEMENT

Council's Stormwater Engineer has assessed the proposed development with regard to Chapter E14 of the DCP. Insufficient information has been provided to fully assess the proposal. A revised flood study is required.

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)

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: Reasons for Refusal

The reasons for the refusal of the proposed development are:

- 1 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the applicant has failed to demonstrate the provision of Clause 5.21 of Wollongong Local Environmental Plan 2009 are satisfied in that insufficient information has been provided to satisfy the determining authority that that the proposed development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.
- 2 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal has failed to demonstrate compliance with the provisions of Wollongong City Council's Development Control Plan 2009, with respect to Chapter E13 – Floodplain Management in that insufficient information has been provided to demonstrate that the proposed development will not detrimentally increase the potential flood affectation on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain
- 3 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal has failed to demonstrate compliance with the provisions of Wollongong City Council's Development Control Plan 2009, with respect to Chapter E14 – Stormwater Management in that insufficient information has been provided to demonstrate that the proposed development will minimise the potential impacts of new development and redevelopment in areas affected by local overland stormwater run-off or flooding, such that no increase in stormwater peak flows occurs downstream.