WLPP No.	Item No. 1
DA No.	DA-2018/473
Proposal	Commercial - Demolition of existing buildings and construction of mixed use building containing 2 levels of basement car parking (94 cars), three ground floor commercial / retail spaces, and 84 residential units above with a roof terrace
Property	Lot 1 DP 1108504, 49-51 Denison Street, WOLLONGONG
Applicant	Wollongong Investments No 2 Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Team (TW)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the Wollongong Local Planning Panel for determination pursuant to Clauses 3 and 4 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018. The proposal is development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies. A variation is also sought to building separation under clause 8.6 of WLEP in excess of 10%.

Proposal

The application seeks consent for the demolition of existing structures and the construction of a mixed use development comprising 2 levels of basement car parking (94 cars), 3 ground floor commercial / retail spaces, and 84 residential units above with a roof top terrace.

Permissibility

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

Consultation

The proposal was notified in May 2018 and received 10 submissions, which are discussed at Section 2.8 of this report. Amended plans were re-notified in October 2018 with no further submissions received.

Various internal divisions of Council were consulted as part of the assessment process. Consultation with Endeavour Energy, Sydney Trains and the NSW Roads & Maritime Service has also taken place as part of the DA assessment. The proposal was reviewed by the Design Review Panel (DRP) on several occasions both pre and post-lodgement.

Main issues

The main issues are:

- Design quality
- Compliance with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG);
- Wollongong DCP 2009 variations in respect of apartment mix, building setbacks and building bulk;
- Sydney Train requirements in relation to the adjacent rail corridor.

RECOMMENDATION

It is recommended that Development Application DA-2018/473 be granted a **deferred commencement** consent subject to the conditions listed in **Attachment 7** to this report. The deferred commencement conditions are those required to be imposed by Sydney Trains.

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018
- Apartment Design Guide

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of the existing structures on the site and the construction of a shop top housing development comprising 2 basement levels, 3 retail/ commercial spaces and car parking at ground level and 84 residential units over the remaining eight (8) levels of the building. Of the units, 4 are studio apartments, and there are 36 x 1 bedroom, 42 x 2 bedroom and 2 x 3 bedroom units. The proposal will contain 9 adaptable units and 10 Liveable Housing apartments.

Car parking, motorcycle and bicycle parking is provided at ground and in 2 basement levels to be accessed via a single driveway sited adjacent to the northern boundary of the site. The development provides car parking for 94 cars, along with motorbike and bicycle spaces. Resident store rooms are also provided on the carparking levels. Bins will be stored within the ground floor bin rooms situated at the rear of the retail/ commercial spaces and will be collected from the loading zone on the ground floor.

The development is in part setback from the street edge to accommodate a large existing street tree which is to be retained. The 3 retail/ commercial tenancies will be individually accessed from the street frontage, along with the residential foyer. Lift access will be provided from ground floor to the floors above.

There are pockets of deep soil zone planting within the site totalling approximately 150sqm including an area beneath the existing large street tree which is to be retained, a portion along the rear (eastern) boundary adjacent to the rail corridor and a portion adjacent to the southern boundary. Planting on structure is proposed on sections of exposed rooftop. Each unit will have access to a private open space in the form of a balcony or rooftop terrace. Communal open space is provided on the rooftop, with a total area of 553sqm. This includes a large paved area with perimeter landscaping beds.

The plans form **Attachment 1**.

1.3 BACKGROUND

Development History

The development history of the site is as follows:

Application	Description	Date	Decision
DA-1994/224/A	Proposed modification to operating hours of the existing Methadone clinic, drug and alcohol counselling centre.	5/12/97	Approved

	(16 March 2006)		
BA-1995/834	Alterations To Doctors Surgery	5/05/95	Approved
DA-224/94	Proposed Methadone Clinic, drug and alcohol counselling centre locality and alterations to doctor's surgery	6/06/94	Approved
1994	Wollongong Line Depot Existing Building Layout development Plan completed 6 June 1994, as part of the development consent for Methadone Clinic. The Plan indicated that a petrol bowser and an oil and fuel store were previously located on the concrete slabs present today behind the Methadone Clinic.		
Prior to 1994	Prior to 1994 the site was used as a Telecom Line Depot		

Pre-lodgement meetings

A pre-lodgement meeting and pre-lodgement Design Review Panel were held for the proposal.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 49-51 Denison Street, Wollongong. The site comprises a single large allotment, situated on the eastern side of Denison Street near its intersection with Crown Street. The legal description of the site is Lot 1 DP 1108504.

The site is slightly irregular in shape with a total area of 2080.3sqm and a frontage length of 50.585m. The rear boundary of the site abuts the Illawarra Railway line.

The site slopes south to north across the property. The topography slopes gently towards the north, with site levels ranging from RL 23.7m at the south end to 22.8m at the north end of the site.

The site is zoned B3 Commercial Core and is located in a mixed use area characterised by a variety of development types and building typologies including some commercial office buildings, a fire station, medical suites, and, to the immediate north, a large single storey brick building housing Southern Pathology. To the north-west of the site, the zoning changes to SP1 (Hospitals Medical Research & Development). In this area there are currently predominantly medium density residential housing developments. To the north of the site, the zoning is B4 Mixed Use.

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

The site is currently occupied a brick building used as a methadone clinic along with an open carpark and a vacant garage, all of which are to be demolished to facilitate the proposed development. There is a large Liquid Amber street tree at the front of the site which is to be retained.

Council's records identify the following site constraints:-

- Acid sulphate soils class 5 affectation;
- Easement for access across the southern portion of the allotment as per the deposited plan;
- Proximity to the railway corridor.

An aerial photograph of the site and locality and zoning extract form **Attachment 2**.

1.5 SUBMISSIONS

The application was initially notified in May 2017 in accordance with Wollongong DCP 2009 Appendix 1: Public Notification and Advertising Procedures. Notification letters were sent and a notice was placed in the local newspaper. At the conclusion of the notification period, there were 10 submissions received, one of which was in support of the application; the remainder raised objections to the proposal. The issues identified are discussed in the table below. It is noted that, following the receipt of amended plans, the proposal was again

notified to neighbours and a notice placed in the local newspaper in November 2018. Following this second notification period, there were no submissions received.

Concern	Comment
1. Insufficient car parking provision within the development, which will result in impacts on on-street car parking in the locality which is already heavily utilised. The current operator of the site offers some car parking for nearby workers and this will be lost as a result of the development	The car parking provision within the site is compliant with relevant requirements. The development also provides the required visitor car parking, motorcycle and bicycle parking and is within very close proximity of Wollongong Train station and other public transport nodes. The availability of on-street car parking is not expected to be further compromised by the development.
2. The provided BASIX certificate does not relate to this development	BASIX certificates have been provided for the proposal which are consistent with applicable requirements.
3. The acoustic design should ensure that railway, traffic and other noise does not affect residential amenity within the development	The application was accompanied by an acoustic report which examines all likely external noise sources. The development will be required to be designed and constructed to ensure that internal noise levels within the dwellings will comply with SEPP (Infrastructure) 2007 and the noise guidelines for development adjacent to rail "Development Near Rail Corridors and Busy Roads – Interim Guideline" referred to in Clause 87 of that SEPP. Conditions of consent are recommended for imposition in relation to this matter.
4. The development will have significant overshadowing impacts. The shadow diagrams indicate that the development will cast shadows in the afternoon in mid- winter across Crown Street which may affect business including outdoor dining areas. The height and footprint of the building should be reduced.	The shadow diagrams supplied with the application indicate overshadowing of the neighbouring commercial properties over the course of the day in mid-Winter. A shadow section has not been supplied; if it were, it is expected that it would illustrate that the morning shadowing impacts of the proposed building would not be unreasonably significant. The development will cast a shadow extending towards the southern side of Crown Street from approximately 2pm. It is noted that the building complies with the applicable height and floor space ratio controls for the site and it is expected that higher / bulkier building forms will occur within the B3 zone as provided for by the current planning controls. The overshadowing impacts of the development are not considered to be unreasonable in the context.
5. Impact of the development on the neighbouring property to the north - the adjacent property to the immediate north of the site has been continuously used as a pathology laboratory since 1982 and is now the largest pathology laboratory in the Illawarra. Southern-IML Pathology has invested heavily in sensitive laboratory technology worth millions of dollars, to ensure accurate and reliable results for patients throughout the Illawarra - Shoalhaven region. The lab operates 24 hours / 7 days. Any adjacent development must ensure that this vital work is not jeopardised by either vibration, noise, loss of continuity of services, (such as	All construction work has the potential to give rise to impacts in the locality by way of noise, vibration, car parking impacts and the like. In terms of nearby sensitive land uses, the developer will be required to ensure that construction impacts are managed to a reasonable degree. The geotechnical report states that high to very high strength sandstone (Unit 4 and 5) is present within part of the site at levels to RL17.8 and RL13.8. The depth of excavation at the northern boundary is RL16.2. The report states that options to excavate unit 4 & 5 rock include D10 bulldozer, hydraulic rock breakers, rock saws and/ or rotary grinders. Given the sensitivity of the neighbouring land use, it is recommended that conditions be imposed in relation to vibration limitation and excavation management. It may be that alternative excavation techniques are required to be

Concern	Comment
water and electricity) impacts on access, dust, security, construction workers' parking, etc. 6. Southern-IML Pathology generates significant traffic and parking demands in the locality; many of the visitors to this and adjacent medical services have limited mobility. It is critical that access not be compromised by the proposed development in any way. Southern-IML Pathology requires assurance that their operations, sensitive equipment and diagnostic staff's work will not be compromised by the proposed development. A complaints management process should be implemented	employed at the site to minimise vibration impacts on Southern IML Pathology. In addition, a detailed construction management plan will be required to be prepared and submitted to Council for approval prior to the issue of the Construction Certificate and compliance with this CMP will be required throughout all stages of the development. Conditions of consent are recommended for imposition in regards to a raft of construction related matters to ensure that construction impacts are not unreasonable; refer to the list at **Attachment 7**.
7. The carpark wall located along the north boundary is sited on the boundary (ie. 0m setback). The minimum required side setback of 3.5m, as per Wollongong DCP Chapter B3 - Mixed Use Development. As the land falls towards the rear, the wall increases in height to more than 5m at the rear. The height of the wall and its location will have a detrimental impact on the any future development on the adjoining site. The basement or carpark wall is to be set back from the boundary to comply with the code or located underground.	In the B3 zone, a zero setback is accepted and required by Wollongong LEP and DCP 2009 to that part of the building built to the street frontage height (being 12m – 24m). The development has adopted a lower height built element to the northern boundary of the site to minimise impacts on the immediately adjacent property to the north. Above the car park wall, the building then steps back 6m from the northern boundary. This is considered to be a suitable outcome and was supported by the DRP.
8. The development will compromise solar access to access to a pleasant outlook currently available across the site from nearby commercial spaces. The scale and footprint of the building should be reduced.	The site has significant redevelopment potential based on the allowable height and density provisions of Wollongong LEP 2009. The development complies with most of the applicable planning controls including setback controls with the exception of a variation in respect of the south-facing level 1 terraces and building separation which is discussed in detail below.
9. The development does not comply with the cross ventilation requirements of the ADG.	The plans have been revised to ensure compliance with the cross ventilation requirements of the ADG as discussed below.
10. The placement habitable rooms at 0m setback to railway will impact negatively on the amenity of the occupants. A landscape/ deep soil zone setback would be more appropriate and improve visual and acoustic privacy to the railway. Overall landscape provision is insufficient	The building is setback 0.8m from the rear boundary which has been deemed acceptable by Sydney Trains and the DRP. The DA was accompanied by an acoustic report which examines external noise sources. The development will be required to be designed and constructed to ensure that internal noise levels within the dwellings will comply with SEPP (Infrastructure) 2007 and the "Development Near Rail Corridors and Busy Roads – Interim Guideline" (as required by Clause 87 of SEPP (Infrastructure) 2007). Conditions of consent are recommended for imposition in relation to this matter. Residential units will be sited much higher than the rail line

Concern	Comment
	itself and consequently visual privacy is not expected to be compromised by the rail corridor.
11. Rear setback is non-compliant; this results in a wider building footprint width which does not meet ADG requirements.	The building is setback 0.8m from the rear boundary which has been deemed acceptable by Sydney Trains and the DRP. The development is compliant with the applicable FSR for the site.
12. Non-compliances with the Apartment Design Guide and DCP including building separation/ setback requirements	The building has been redesigned in part to ensure compliance with the setback/ building separation requirements of the ADG as discussed below in relation to SEPP 65/the ADG. One area of non-compliance exists on Level 1 adjacent to the southern boundary; this is discussed below and is considered supportable in this instance. No concerns have been raised in relation to this issue by Council's Traffic Engineer.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Stormwater, Geotechnical, Environmental, Heritage and Landscape Officers have reviewed the application and provided satisfactory referrals including recommended conditions to be imposed if the development is approved.

1.6.2 EXTERNAL CONSULTATION

Design Review Panel (DRP)

The proposal has been considered by the Wollongong Design Review Panel (DRP) on four (4) occasions, the first being prior to formal lodgement of the application on 14 November 2017 under DE-2017/159. The application was initially considered post-lodgement on firstly on 12 June and again on 14 November 2018 and on 5 March 2019 where amended plans were tabled.

Amended plans were submitted by the applicant responding to the outstanding issues identified by the DRP at its meeting in March (and other matters). These have been reviewed by the Chair of the DRP who has advised that the plans now satisfactorily resolve all previously identified issues and in conclusion, the proposal as amended is now appropriate with regard to the ADG and the design quality principles of SEPP 65 and exhibits design excellence as required by Clause 7.18 of Wollongong LEP 2009. A full copy of the DRP minutes form **Attachment 3**.

Endeavour Energy

The proposal was referred to Endeavour Energy for comment. Endeavour Energy advised that it had no objection to the DA subject to recommended conditions of consent which are included in those at **Attachment 7**.

Roads and Maritime Services

The proposal was referred to the RMS under the provisions of SEPP (Infrastructure) 2007 as it is traffic generating development, with the nearest classified road being Crown Street. The RMS advised that it had no objection to the proposed development.

Sydney Trains

The proposal requires the concurrence of Sydney Trains under the provisions of SEPP (Infrastructure) 2007. Following the submission of amended plans and further supporting documents, the proposal is now satisfactory to Sydney Trains who has issued its concurrence to the development subject to deferred commencement and operational consent conditions which are included in the conditions at **Attachment 7**.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

Clause 7 - Contamination and remediation to be considered in determining development application

A detailed site investigation accompanied the development application which indicates that, on the basis of the site history and search findings, that there are potential sources of contamination including imported fill material of unknown origin and quality; weathering of metallic and painted exteriors in structures currently present on the site; potential application of pesticides beneath building footprints; hazardous materials, including potential asbestos-containing materials (ACM) in building products used in existing site structures; uncontrolled demolition of former site structures which may have contained asbestos; potential contamination from onsite UPSS and other storages; and previous industrial activities onsite (e.g: 1960s to 1970s when the warehouse was evident on site). There are constraints to undertaking a full analyses of potential site contamination including the presence of the existing structures on the site.

The DSI makes a number of recommendations to ensure that the site can be rendered suitable for the proposed use. This includes the following: -

- Prior to site demolition, carry out a Hazardous Materials Survey on existing site structures to identify potentially hazardous building products;
- Preparation and implementation of a Remedial Action Plan (RAP);
- Provide a SAQP for the validation of remediation activities performed on-site;
- Undertake supplementary investigations, and subsequent remediation and validation works for the site;
- Classification of waste materials to be removed from the site for off-site disposal;
- final site validation certifying site suitability of soils and groundwater for the proposed land use.

Subject to the site being suitably remediated and validated, it will be suitable for the proposed development.

A remediation action plan (RAP) was also submitted with the DA. The proposed remediation strategy will involve the removal of UPSS and fill from the site (along with excess residual soil). The required work stages are outlined as follows:

• Stage 1 – Site Preparation
• Stage 2 – UPSS Removal & Validation
• Stage 3 – Supplementary Investigation
• Stage 4 – Excavation and Soil Material Management
• Stage 5 – Validation of Imported Soils (*if required)*

Both the RAP and the detailed site investigation have been reviewed by Council's Environmental Officer and are considered to be satisfactory. Subject to conditions of consent the site is suitable for the intended use of the land with regard to Clause 7 of this policy. A number of consent conditions have been recommended for imposition; these are included in those listed in **Attachment 7.**

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

The provisions of the SEPP apply as the development includes a 'residential flat building', is more than 3 storeys in height and houses more than 4 dwellings.

The application was accompanied by a statement by a qualified designer in accordance with Clauses 50(1A) & 50(1AB) of the Environmental Planning and Environment Regulation 2000.

Clause 28 provides that the application must be referred to the relevant design review panel (if any) for advice concerning the design quality of the development while Clause 28(2) provides that a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):-

(a) the advice (if any) obtained from the design review panel, and

(b) the design quality of the development when evaluated in accordance with the design quality principles, and

(c) the Apartment Design Guide.

The proposal has been reviewed by a Design Review Panel convened for the purposes of the SEPP as outlined above in Section 2.5.2 of this report. As discussed, at its last meeting on 5 March 2019, the DRP raised some concerns with regard to outstanding matters; the notes from this review are attached to this report at **Attachment 4**. The applicant submitted revised plans in response to these comments which have been reviewed by the Chair of the DRP. The Chair has advised that the revised plans satisfactorily address all outstanding issues raised by the DRP at its meeting on 5 March 2019. It is noted that some further minor plan amendments have bene made to resolve matters of ADG non-compliance.

Schedule 1 of SEPP 65 sets out the design quality principles for residential apartment development. These must be considered in the assessment of the proposal pursuant to Clause 28(2)(a) of the Policy: -

Principle 1: Context and neighbourhood character

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

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

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

Comment:

The locality is characterised by a mixture of development types and densities, being close to the periphery of the B3 zone and adjacent B4 and SP1 zoned land. Nearby development is largely commercial in nature and of a predominantly medium density. The height and FSR permitted for the locality under the planning controls will likely see substantial transformation of the area in future towards higher density development. The current proposal will in part set the tone for that development, particularly in respect of street wall height and bulk and scale. The proposal is considered to be satisfactory with regard to these matters, noting the DRP were satisfied of these matters, and to create an acceptable guide for future development on adjoining land and in the locality.

The DRP advised that the Applicant has made a number of positive changes, especially with regards to the interface with the public domain on the ground level facing Denison Street. At the time of the 5 March meeting of the DRP, the Panel had some outstanding concerns with the north and south elevations which have been address through the submission of revised plans. As noted above, the revised plans have been reviewed by the DRP Chair who considers this issue to now be resolved.

Principle 2: Built form and scale

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

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

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

Comment:

The proposal is considered to be of a suitable bulk and scale considering the applicable controls and likely development on adjoining land.

The articulation and materials and colour palette are considered to positively contribute to the streetscape. The setbacks to accommodate the existing street tree assist in improving the building's mass.

Residential amenity in respect of outlook is acceptable.

Principle 3: Density

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

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

The density of the development complies with the maximum FSR permitted for the land. The development is not of a scale that is expected to place unreasonable pressure on local infrastructure. The site is well situated with regard to existing public open space, public transport and services. Adequate parking facilities have been provided on site to cater for the number of units proposed. Contributions applicable to the development will go towards local infrastructure and facilities.

The FSR of the development is compliant with WLEP 2009 and the design of the development provides for an appropriate built scale measured in terms of floor space, height and setbacks. The proposal is therefore satisfactory when considered with regards to Principle 3.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes.

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

The proposal is considered acceptable with regard to sustainability. The proposal is satisfactory with regard to solar access and natural ventilation and is accompanied by BASIX certificates which indicate that the BASIX thermal comfort, water and energy efficiency targets can be achieved. The development is considered to be an efficient use of land in an appropriate location.

The most recent review by the DRP Chair advised that the development is satisfactory with regard to ADG solar access and natural ventilation compliance. There is sufficient deep soil planting, planting on structure including roof terraces and retention of the large existing street tree which will offer some urban greening.

Principle 5: Landscape

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

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

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

The proposal is satisfactory in respect of landscaping. The proposal involves renewal of the footpath and retention of an existing large street tree. A large landscaped communal area is provided on the roof of the building and there is also landscaping proposed on top of other exposed rooftops.

The development is considered to therefore be satisfactory with regard to Principle 5.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours.

Achieving good amenity contributes to positive living environments and resident well being.

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

The development is acceptable in regard to controls relating to residential amenity. There were numerous initial concerns raised by the DRP in regards to the internal amenity of a number of the apartments. These have been resolved in the amended plans provided; with improved internal layouts, compliant solar access, compliant cross ventilation and acceptable balcony and communal open space areas now being provided. Setbacks to the southern boundary have been increased to achieve compliance with the ADG.

The development is acceptable in regard to controls relating to residential amenity.

Principle 7: Safety

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

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

The design of the development is considered satisfactory with regard to the principles of CPTED and it is considered that the development is unlikely to result in additional criminal or antisocial behaviour in the locality.

Access to the carpark and residential entry points will be secured.

The development is considered to therefore be satisfactory with regard to Principle 7.

Principle 8: Housing diversity and social interaction

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

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

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

The proposal is considered to be acceptable with regard to this Principle. It is noted that the development incorporates only two (2) x 3 bedroom units (where the minimum requirement is 10% of the overall unit mix). The applicant has provided supporting information prepared by a real estate agent which advises that there is less demand for 3 bedroom units in this part of the city centre.

The development provides for 9 adaptable units and 10 Livable units designed to achieve compliance with the features of Silver level of the Livable Housing Guidelines.

The development is considered to therefore be satisfactory with regard to Principle 8.

Principle 9: Aesthetics

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

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

The building is considered to incorporate suitable articulation and a mix of materials and finishes and is acceptable in regard to aesthetics. The proposal has been significantly modified by the applicant at the request of the DRP and the form and finishes proposed are now considered to be appropriate.

The development is considered to therefore be satisfactory with regard to Principle 9.

Apartment Design Guide

A full assessment of the proposal against the ADG is provided at **Attachment 5**. The development has been assessed against the provisions of the ADG and was found to be compliant, with the exception of a variation in respect of 3F Visual Privacy in regards to the terraces provided on the southern side of Level 1. In this location, a setback of 6m is required to be provided. The terraces are setback 2.3m from the southern boundary of the site. It is noted that these terraces, which will form part of the private open space of the adjacent units (4 in total) are a recent addition to the plans which was made at the recommendation of the DRP. The DRP recommended that this previously un-trafficable roof be utilised for additional private open space for the adjacent units as it was considered that this would improve the amenity of those units without compromising the amenity of either the future occupants or the neighbouring developments to the south. The plans provide for a landscape bed along the edge of the terraces as well as a fence which will preclude overlooking and achieve compliance with the objectives of 3F despite the non-compliance.

This variation is discussed within the table at **Attachment 5** and is considered to be supportable.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 45

The development application was referred to Endeavour Energy for comment in accordance with Clause 45 as it may involve works within proximity of electricity infrastructure.

Endeavour Energy has advised that it has no objection to the proposed development subject to a number of matters being addressed. Standard conditions of consent could be imposed in regards to matters including the requirement to obtain approval from the relevant authorities for the connection of electricity and confirmation of the suitability of the substation design.

Clause 85 - Development immediately adjacent to rail corridors

This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

(a) is likely to have an adverse effect on rail safety, or
(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
(c) involves the use of a crane in air space above any rail corridor.

Before determining a development application for development to which this clause applies, the consent authority must:

(a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and

(b) take into consideration:

(i) any response to the notice that is received within 21 days after the notice is given, and

(ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

The proposal was referred to State Rail in accordance with the above clause. The comments provided are detailed above in Section 1.6.2.

Clause 86 Excavation in, above, below or adjacent to rail corridors

Pursuant to this clause, the matter was referred to Sydney Trains (as the relevant rail authority) for its concurrence. After the receipt of further information, Sydney Trains has provided its concurrence to the development subject to Council imposing deferred commencement conditions and operational conditions. These conditions are included in the draft conditions at Attachment 7.

Clause 87 - Impact of rail noise or vibration on non-rail development

This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

(a) a building for residential use,….

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, 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 building—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Consideration has been given to the Guidelines issued by the Director-General, being the "Development near rail corridors and busy roads – interim guideline". The applicant has provided an acoustic report in support of the DA which indicates that the building will be designed and constructed to achieve the required noise

attenuation. Conditions of consent are recommended in regards to acoustic attenuation to ensure compliance with the Guideline; these are included in those listed at **Attachment 7**.

Clause 104

Clause 104 'Traffic Generating development' refers to certain development of a certain size or capacity that requires referral to the Roads and Maritime Services (RMS). The site does not have frontage to a classified road (with the nearest classified road being Crown Street to the south) and the development is not of a size that would necessitate formal referral to the RMS. The proposal was nonetheless referred to the RMS for comment and the RMS advised that it had no objection or concerns with the proposal.

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

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

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

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map indicates that the site is zoned B3 Commercial Core.

Clause 2.3 – Zone objectives and land use table

Clause 2.3 of Wollongong LEP 2009 specifies:

> *(a) the objectives for development, and*
> *(b) development that may be carried out without development consent, and*
> *(c) development that may be carried out only with development consent, and*
> *(d) development that is prohibited*

The objectives of the B3 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 consistent with each of the above objectives.

The land use table permits the following uses in the zone:-

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

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

Clause 1.4 Definitions

The following definitions are relevant to the proposed development:-

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

business premises *means a building or place at or on which*:

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

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

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

Clause 2.7 Demolition requires development consent

Approval for the demolition of the existing structures on the site to facilitate the construction of the proposed development is sought under this clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

This clause prescribes a maximum height of 32 metres for the Site, as shown on the Height of Buildings Map. The proposal has a maximum overall height of less than 32m which is compliant.

Clause 4.4 Floor space ratio

Clause 4.4A applies to the site as the site is located within the B3 Commercial Core Zone within the Wollongong City Centre. Clause 4.4A is considered below.

Clause 4.4A Floor space ratio – Wollongong city centre

Clause 4.4A of Wollongong LEP "Floor space ratio—Wollongong city centre" applies to land within the Wollongong city centre and provides formulae for determining the allowable maximum floor space ratio for sites depending on the site area, site frontage width, zoning and proportion of non-residential and residential gross floor area.

In the case of the Site and the proposal, subclause (4) applies.

The maximum FSR for a mixed use building is (NRFSR X NR/100) + RFSR x R/100):1.

Using this formula and the proportions of the building to be used for residential (95%) and non-residential purposes (5%) arrives at a maximum allowable FSR of (6 x 5/100) + (3.5 x 95/100) = **3.625:1.**

The proposed FSR is **3.617:1** which is compliant with Clause 4.4A.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the Wollongong LEP "Exceptions to development standards" provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met.

In this instance, a departure is sought in respect of Clause 8.6 Building Separation which is detailed below in the discussion around Clause 8.6.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

The site is not heritage listed nor is it located within a heritage conservation area. there are no listed items of environmental heritage within the vicinity of the site.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

The land has previously been serviced by electricity, water and sewerage services. It is expected that the existing services can be readily augmented to facilitate the proposed development. If consent is granted, conditions should be imposed requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service the site.

It is noted that provision has been made for a substation within the site to service the building; if approved conditions should be imposed in relation to the satisfaction of Endeavour Energy's substation design requirements.

Clause 7.3 Flood planning area

The site is not identified as being located at or below the "flood planning level".

Clause 7.4 Riparian lands

The site is not identified in the Riparian Land Map as containing "riparian land".

Clause 7.5 Acid Sulfate Soils

The northern portion of the site is mapped as containing Class 5 acid sulfate soils. The application was accompanied by an Acid Sulfate Soils report which including details of testing within the site which indicated that there was little risk of encountering acid sulfate soils. On this basis, an acid sulfate soils management plan is not required. This matter has been considered by Council's Environmental Officers and no concerns are raised in regards to acid sulfate soils management during construction.

Clause 7.6 Earthworks

The proposal involves excavation to facilitate the construction of the proposed development inclusive of the 2 level basement car park. The proposed earthworks have been considered with regard to the prescribed matters for consideration. Suitable geotechnical and environmental conditions should be imposed in the event consent is granted. The earthworks in themselves are not expected to have a detrimental impact on environmental functions and processes or neighbouring uses subject to adequate management. Sydney Trains has reviewed the proposal with regard to potential impacts on the neighbouring rail corridor and no concerns are raised.

Council's Geotechnical Engineer has reviewed the application and advised that supplementary investigations will be required to support the design of site preparation earthworks; conditions could be imposed in relation to this matter if the application is supported.

Clause 7.13 Ground floor development on 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 requires that development consent must not be granted for development for the purpose of a building on land to which this clause applies 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 requirements of this clause are satisfied.

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

As the site is positioned within the Wollongong city centre, it is subject to this clause, the objective of which is to deliver the highest standard of architectural and urban design.

Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence. In considering whether

development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:-

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

The design, materials and detailing are considered to be of high quality and are appropriate to the building type and location.

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

The development is considered to positively contribute to the public domain through providing an appropriate scale and form, appropriate street setbacks and street frontage height, good resolution of levels between the site and the pedestrian footpath, appropriate landscaping, retention of existing street trees and provision of new street trees, and upgraded footpaths to the street frontage of the site.

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

No significant view corridors are impacted. The site is located within the nominated distant panoramic view corridor identified in Figure 3.12 (Clause 3.10) of Chapter D13 of Wollongong DCP 2009 however the building does not exceed either the maximum height or floor space ratio permitted for the site and accordingly is considered to be generally appropriate with regard to the maintenance of significant public view corridors.

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

The proposal will not overshadow an area identified on the Sun Plane Protection Map.

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

(i) the suitability of the land for development,

The land is zoned for the type of development proposed and the development complies with the relevant planning controls with the exception of some minor variations which are supported. There are no site constraints that would prevent the proposal.

(ii) existing and proposed uses and use mix,

The development is considered to be consistent with current and desired future development in the locality. The proposed uses are consistent with the B3 zone objectives.

(iii) heritage issues and streetscape constraints,

There are no significant streetscape constraints and no nearby heritage items.

(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,

Setbacks, amenity and urban form matters have been satisfactorily addressed as discussed elsewhere in this report. The proposal provides for an appropriate relationship with the existing neighbouring commercial buildings to the north and south of the site, with suitable separation distances provided to these buildings.

(v) bulk, massing and modulation of buildings,

The bulk and scale of the development is considered to be acceptable when measured in terms of building height, floor space ratio and setbacks. The Design Review Panel made numerous recommendations with regard to the bulk, massing and modulation of the buildings; these have been addressed in the revised plans and the proposal is now satisfactory with regard to these matters.

(vi) street frontage heights,

The proposed building provides for a compliant street frontage height to Denison Street as required by Chapter D13 of Wollongong DCP 2009.

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

The development incorporates some sustainable design measures as outlined below. The proposal will not give rise to unreasonable overshadowing impacts in the locality (having regard to allowable building heights and densities) and is not expected to result in uncomfortable wind conditions for pedestrians. Conditions have been recommended in relation to limitations on material reflectivity.

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

The proposal is considered satisfactory with regard to objectives of ESD. The site is well placed with regard to access to key transport nodes, within ready walking distance of bus stops and Wollongong train station, the main retail/ commercial core. The development has been designed to provide for good internal amenity with appropriate provision for energy and water efficiency and thermal comfort. BASIX certificates accompanied the DA in relation to the residential units and the development satisfies the ADG requirements for cross ventilation and solar access.

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

The proposal provides the necessary car parking, motorcycle and bicycle parking and suitable manoeuvring areas. Satisfactory waste servicing arrangements have been provided, with all waste to be managed from within the site. Provision has also been made for appropriate delivery/ loading facilities within the building along with adequate vehicular manoeuvring areas.

Appropriate arrangements have been made for safe, direct, practical and equitable pedestrian access to and throughout the building.

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

Street trees and footpath upgrades are to be provided to the street frontage of the site in compliance with the requirements of the Public Domain Technical Manual. The development provides for a good resolution of site levels between the public footpath and the building on the street frontages as well as retention of the significant large street tree on the Denison Street frontage.

A review of the design of the proposed development has been undertaken in accordance with the requirements of Clause 7.18(5) and SEPP 65 as detailed above in **Section 1.6.2** of this report.

Clause 8.4 Minimum building street frontage

This clause requires that 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. This site satisfies this standard, with a street frontage width exceeding 20m.

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

The proposed development does not comply in full with Clause 8.6 and an exception to the standard has been provided by the applicant addressing Clause 4.6 of the LEP. The submission forms **Attachment 2**.

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

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

(a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and

(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and

(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

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

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

(b) 16 metres from any other part of any other building.

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

(5) In this clause:

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

For the purpose of considering compliance with the separation controls, only buildings to the north and south of the site are relevant.

The proposed building is required to have:

- A zero separation to neighbouring buildings to the north and south up to the 'street frontage height';
- 12m separation between buildings to the north and south (commercial buildings with no dwellings) for the commercial component of the building; and
- 16m separation between neighbouring buildings measured from any dwellings.

The development cannot provide for a compliant setback to the buildings to the south of the site (where no separation between neighbouring buildings up to the street frontage height is required) as the closest buildings in that direction are sited some distance from the common (southern) boundary. The space between the southern boundary and the nearest adjacent building to the south comprises an access driveway. This coupled with the existing easement inside the southern property boundary precludes a continuous street wall being achieved along this part of Denison Street. The building is built to the northern boundary and to the northern extent of the easement adjacent to the southern boundary at least at ground level. The development therefore departs from Clause 8.6(2)(a).

The building provides for a street frontage height of six storeys, however this does not continue across the whole width of the site to the northern boundary, so as to reduce the bulk of the building where it interfaces with the neighbouring Southern Pathology building which is under consideration for a possible future heritage listing. A single storey portion of the proposed building abuts the northern boundary which is considered to provide for an appropriate transition in building height to the neighbouring part single / part double storey building. Above that, the residential units and their balcony/ private open space areas are setback a minimum of 6m from the northern boundary as required by the ADG, however there is no adjacent building at the same height and accordingly there is no separation issue at this height.

Further, variation to the 16m separation [clause 8.6(3)(b)] to the buildings to the south is also sought from the dwellings in levels 1 – 5 of the proposed building, which are setback 6m from the southern site boundary. The neighbouring buildings to the south are commercial in nature and are setback a variable distance from the common boundary with the site, with the minimum being approximately 3.9m.

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

Clause 4.6 proposed development departure assessment	
Development departure	Clause 8.6 Building Separation
Is the planning control in question a development standard?	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, **and**	Yes. The applicant's request contains this justification. In summary the justification relies on compliance with the building separation standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development is consistent with the objectives of the standard despite the non-compliance. Heavy reliance is placed on compliance with the ADG building separation controls at 3F which the applicant contends prevail over the building separation controls in Clause 8.6 of the LEP.
(b) that there are sufficient environmental planning grounds to justify contravening the	Yes, the applicant's request contains this justification.

development standard.	
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	The applicant's request has adequately addressed the matters required to be addressed by subclause (3). The applicant's request is based on the rationale that the variation to Clause 8.6 is considered to be consistent with the objectives of the clause and that a better development outcome is achieved by allowing flexibility to the development standard.
(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	The proposed development will be in the public interest because (a) it is consistent with the objectives of the building separation standard; (b) the objectives for development within the B3 zone will be achieved; (c) the development is not expected to compromise the development potential of neighbouring sites. The objectives of the standard are to ensure sufficient separation of buildings for reasons of visual appearance, privacy and solar access. The development, despite the non-compliance with the building separation standard, will be consistent with the objectives of that standard. The visual appearance of the building is considered satisfactory. A suitable degree of articulation is provided as well as a mixture of materials and finishes which add visual interest to the building and reduce the perception of bulk. The facades are articulated to ensure there are no undesirable expanses of one material. The building facade is also articulated to ensure the retention of the large existing street tree, which will further offer some visual relief. No concerns are raised in regard to visual privacy. The adjoining development to the south comprises commercial buildings fronting Crown Street with minimal openings on their northern side and some setback from the common boundary. The land to the north similarly contains a single commercial building with minimal openings on its southern elevation. The residential component of the building will be at a higher level than the neighbouring commercial building to the north. No concerns are raised in respect of acoustic privacy to either the southern or northern boundaries of the site. Solar access to the units within the development or adjoining buildings is not compromised by the variation. Further, in relation to visual appearance, the building setbacks to the boundaries reflect the prevailing built form character of development in this section of Denison Street where buildings are predominantly setback from their side boundaries. There is no continuous street wall to this section of Denison Street and insistence on adherence with the separation controls in Clause 8.6 would result in a built form outcome at odds with nearby buildings. The departure will not have any adverse impacts on the amenity of nearby developments, the streetscape or public domain. There will be no additional overshadowing impacts arising from the development departure, no view impacts, no privacy impacts and no adverse impacts on the streetscape. The non-compliance arises in part due to the position of the neighbouring buildings to the immediate south of the site so strict

	compliance could not be achieved in any event. There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard. The Design Review Panel and Council's Heritage Officers support the proposed setback to the northern elevation as it provides for a better relationship between the proposed development and that neighbouring (to the immediate north) being a part single/ part double storey building occupied by Southern Pathology. As outlined in section 2.1.5 the proposed development has regard to the objectives for development within the zone. The development will remain consistent with the objectives of the B3 zone despite the non-compliance with Clause 8.6.
(b) the concurrence of the Secretary has been obtained.	Yes; Council can exercise its assumed concurrence in this instance.

In conclusion, it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify contravention of the standard, the objectives of the standard and the B3 zone will be maintained despite the non-compliance, and the public interest will be served despite the non-compliance with Clause 8.6.

This being the case, the development departure is supported.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. The full table of compliance can be found at **Attachment 6** to this report. It is noted that the development departs from some of the design controls in Chapter D13. These are dealt with in the compliance tables and in detail below and are supported.

Chapter A1, Clause 8 Variations to development controls in the DCP

The applicant has sought variations in respect of the following matters:-

- Building depth and bulk (Clause 2.4 of Chapter D13)
- Side and rear building setbacks and building separation (Clause 2.5 of Chapter D13)
- Unit mix – reduced number of 3 bedroom units (Clause 6.2 of Chapter D13)

The variations are discussed below:-

1. Clause 2.4 of Chapter D13 - Building depth and bulk

The control being varied:-

Clause 2.4 of Chapter D13 - Building depth and bulk

Objectives

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 control seeks to limit the depth of buildings above street frontage height (24m) to 18m. The depth of the proposed building measured across the shortest axis, being north-south, exceeds 18m for that part of the building above street frontage height (24m). This is in part a direct result of the size and width of the allotment which allows a wider building to be achieved with compliant ADG setbacks and compliant FSR. The height limit is 32m. If the height limit were greater, a taller slimmer building form could be accommodated. Despite the wider form, the building is generally satisfactory with regard to internal amenity, solar access, cross ventilation, building setbacks and built form/ massing. The proposal as revised is acceptable to the DRP and is considered to be acceptable with regard to the objectives of the control.

The variation is supported.

2. Clause 2.5 Side and Rear Building Setbacks and Building Separation

The control being varied:-

Clause 2.5 Side and Rear Building Setbacks and Building Separation

Objectives

a) To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.

b) To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.

The controls require 0m side and rear setbacks to that part of the building up to street frontage height and 12m setbacks to the side and rear boundaries for that part of the site between street frontage height and 45m.

The requirements in this clause reflect the separation distances outlined in Clause 8.6 of Wollongong LEP 2009. The controls require zero setbacks to the properties to the south and north up to the street frontage height (12-24m) and a 12m setback from the street frontage height for the residential component of the building. The development provides for a zero setback to the ground floor of the building to the northern and southern boundaries (i.e. to the commercial component) and increased setbacks there above to the residential units which occupy floors 1 – 8. Above Level 1, the building is setback in accordance with the ADG building setback/ separation requirements.

There are residential units within the podium (i.e. below street frontage height) which are setback a minimum distance of 6m to the northern boundary (as is required by the ADG) 4.5m at the southern corner of the building (to non-habitable/ blank wall on Level 1) and 6m to the remainder as required by the ADG. Above Level 1, all setbacks are compliant with the ADG which prevails in this instance.

It is noted that the rear setback is 0.8m. The site does not abut a residential or other commercial property to its rear and accordingly a greater setback is not required for reasons of building separation. The rail corridor occurs at the rear of the site and, as illustrated by the aerial photographs at Attachment 1, there is some distance between the rear boundary of the site and the rail line itself. The building has been designed to achieve compliance with the internal acoustic amenity requirements of SEPP (Infrastructure) and is satisfactory to Sydney Trains. The variation in respect of the rear setback is considered to be acceptable.

Clause 6.2 of Chapter D13 – Housing Choice and Mix

Objectives

a) Ensure that residential development provides a mix of dwelling types and sizes to cater for a range of household types.

b) Ensure that dwelling layout is sufficiently flexible for residents' changing needs over time.

c) Ensure a sufficient proportion of dwellings include accessible layouts and universally designed features to accommodate changing requirements of residents.

d) Ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.

The control requires that, in order to achieve a mix of living styles, sizes and layouts within each residential development, the following mix and size is required to be provided within a residential flat building:

i) Studio and one bedroom units must not be less than 10% of the total mix of units within each development,

ii) Three or more bedroom units must not be less than 10% of the total mix of units within each development,

The development complies with (i) however does not provide for the required number of 3 or more bedroom units as per (ii). The development provides 2 x 3 bedroom units which represents 2.4% of the total number of units. The applicant has provided a letter prepared by a real estate group in support of the variation which states:

> "We confirm that based on our development and marketing activity over the last 7 years in Wollongong and having been involved in over 1000 transactions in the last few years, our market analysis of the Wollongong CBD demographics and buyer profile has identified demand patterns particularly in Wollongong CBD for smaller apartments mainly 1 and 2 bedroom apartments.
>
> This analysis has been accumulated with over 20,000 enquiries in Wollongong and the Illawarra region.
>
> We have identified minimal 3 or 4 bed enquiries with (sic) most feedback being preference to be in smaller and more boutique developments that offer them exclusivity, a high level or amenity and water views, all of which we believe are not the target market for the development on Denison Street, Wollongong."

It is noted that the development otherwise provides a good mix of unit types which will meet the needs of a variety of possible future occupants, with the unit mix comprising 4 studios, 36 x 1 BR units, 42 x 2 BR units and 2 x 3BR units. Of these, there are 9 adaptable units across a mix of unit sizes and a further 10 units have been designed to achieve the Livable Housing Guideline as required by the ADG.

The unit mix proposed is considered to be acceptable and satisfies the objectives of the control. The variation in respect of Clause 6.2 is supported.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

A detailed cost estimate report accompanied the DA which indicates that the estimated capital investment value of the project is $27,361,818. The cost of works on which the applicable Section 7.12 levy is to be applied is $30,098,000 and a levy of 2% is applicable under this plan.

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

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

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

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

(1) For the purposes of section 4.15(1)(a)(iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies, the provisions of that Policy,

(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.

Demolition is proposed and accordingly consideration must be given to the provisions of AS2601. If approved, conditions should be imposed in regards to demolition including compliance with AS2601-1991.

The site is located outside of the NSW Coastal Zone.

93 Fire safety and other considerations

N/A.

94 Consent authority may require buildings to be upgraded

N/A.

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

Context and Setting:

As discussed above in relation to SEPP 65 and the ADG, the proposal is generally appropriate with regard to its context in relation to matters including bulk, scale, height, setbacks and density.

Access, Car parking, Traffic and Servicing:

The proposal provides for sufficient car parking and satisfactory vehicular access, manoeuvring and waste management arrangements in compliance with the requirements of Chapter E3 of WDCP 2009. There are no concerns raised with regard to traffic generation from the development, which can be readily absorbed into the local road network. The proposal is satisfactory to the RMS and Council's traffic officers.

Public Domain:

The development is not expected to have an adverse impact on the public domain, noting that significant improvements have been made to the scheme in this regard. The development makes provision for the retention of a large significant street tree and reasonably good resolution of levels from the footpath into the ground floor commercial spaces whilst still providing for an active retail presence within the streetscape. The driveway width is acceptable and the driveway is well placed. Public domain improvements will be required in accordance with the requirements of the Wollongong City Centre Public Domain Technical Manual; conditions are recommended for imposition in this regard.

Utilities:

The site is serviced and it is expected that existing utilities are capable of augmentation to service the proposal. If approved, it is recommended that conditions be imposed on the consent requiring the developer to make appropriate arrangements with the relevant servicing authorities prior to construction. A substation is proposed.

Heritage:

There are no nearby heritage items or conservation areas.

Water:

The site is presently serviced by Sydney Water's reticulated water and sewerage services. It is expected that these services can be extended/ augmented to meet the requirements of the proposed development.

The proposal is not expected to involve unreasonable water consumption. The BASIX certificates provided in relation to the units demonstrate compliance with the water efficiency targets contained within the BASIX SEPP.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. Conditions should be imposed in this regard if the application is approved. As noted above, site remediation will be required in order to render the site suitable for the development.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate subject to appropriate dust mitigation controls being implemented during construction.

Flora/ Fauna and Landscaping:

The existing large street tree will be retained and incorporated into the landscaping scheme for the site. There is no other vegetation of significance within the site and accordingly the impact on potential fauna habitat is expected to be minimal. There is deep soil zone planting and planting on structure proposed which is will assist in offering amenity to the future residents of the development, softening the bulk and scale of the building and providing a contribution to the streetscape.

Waste:

The proposed waste management arrangements are satisfactory as discussed above in relation to Chapter E3 of DCP 2009.

A SWMMP was provided with the DA in relation to demolition and construction waste, as required.

Energy:

The BASIX certificates provided with the application demonstrate compliance with the energy efficiency and thermal comfort targets of the BASIX SEPP.

Noise and vibration:

Conditions could be imposed if the DA was approved to minimise noise and nuisance during the course of works and in relation to restricted working hours to reduce impacts on neighbours.

An acoustic report was provided with the application which considers the impact of significant external noise sources on the future amenity of the proposed apartments, being railway and road noise. The acoustic report provides a number of recommendations which should be reflected in consent conditions.

Natural hazards:

There are no known natural hazards that are likely to preclude the development from occurring in the manner proposed.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This development is not expected to create any additional opportunities for criminal or antisocial behaviour. As noted above, the development is considered to be acceptable with regard to CPTED principles.

Social Impact:

There are not expected to be any adverse social impacts arising from the proposed development.

Economic Impact:

There are not expected to be any adverse economic impacts arising from the proposed development.

Site Design and Internal Design:

The development features some departures from development standards and controls within the ADG, WLEP and WDCP 2009 as outlined above. The departures sought are considered to have merit in this instance and are supported.

Construction:

Construction impacts have the potential to impact on the amenity of the neighbourhood and the public domain inclusive of traffic and pedestrian impacts. If the development were to be approved, conditions could be imposed in relation to hours of work, tree protection, traffic controls, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

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

Does the proposal fit in the locality?

The proposal is considered generally appropriate with regard to the desired future character of the precinct, being consistent with most of the significant development controls relating to height and scale. The scheme as amended is supported by the DRP.

Are the site attributes conducive to development?

There are no site constraints that would preclude the proposal.

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

Refer to discussion at Section 1.5 of this report.

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

The development as revised is now satisfactory to the Design Review Panel and is considered to be satisfactory with regard to the design quality principles of SEPP 65, the requirements the ADG and Wollongong LEP and DCP 2009. The development is not expected to have adverse impacts on the amenity and character of the area. On this basis, it is concluded that the public interest would be served if the application is approved.

3. CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15(1) of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent in the B3 Commercial Core and is consistent with the zone objectives and the provisions of applicable EPIs with the exception of the building separation departure sought in relation to Clause 8.6 of Wollongong LEP 2009 and variations to WDCP 2009.

It is considered that the development as amended appropriately responds to the design principles espoused in SEPP 65 and now addresses the requirements of the ADG. Across the course of assessment of the application, the Design Review Panel raised numerous concerns in regards to the proposal which have warranted substantial redesign of the development which has now occurred. The revised plans are now satisfactory to the Chair of the DRP.

The submissions received in relation to the proposal have been discussed within the body of the report. All internal and external referrals are now satisfactory subject to conditions including the deferred commencement conditions recommended by Sydney Trains.

The social, economic and environmental impacts of the proposed development have been examined in detail and the proposal is acceptable, again subject to conditions.

There being no outstanding issues, the application should now be determined.

4. RECOMMENDATION

It is recommended that the Wollongong Local Planning Panel determine DA-2018/473 by way of deferred commencement consent pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979 subject to the conditions contained within Attachment 7.

5. ATTACHMENTS

1 Plans

2 Aerial photograph and WLEP 2009 zoning map

3 Applicant's Clause 4.6 submission in relation to Clause 8.6 of Wollongong LEP 2009

4 Design Review – Wollongong Design Review Panel minutes and latest review

5 Apartment Design Guide Assessment

6 Wollongong DCP 2009 Assessment

7 Recommended conditions

Development Application for a
RESIDENTIAL DEVELOPMENT
49-51 Denison Street Wollongong NSW

24-04-2019

Drawing Number	Sheet Name	Current Revision	Current Revision Date
DA000	COVER SHEET	G	10-5-19
DA001	CALCULATIONS	F	24.04.19
DA002	SITE ANALYSIS	F	24.04.19
DA003	DEMOLITION PLAN	F	24.04.19
DA004	SITE MANAGEMENT PLAN	F	24.04.19
DA005	AERIAL CONTEXT MASSING	F	24.04.19
DA006	STREET VIEW ANALYSIS	F	24.04.19
DA007	CONTEXT ANALYSIS FUTURE DEVELOPMENTS	F	24.04.19
DA008	SITE PLAN	F	24.04.19
DA050	BASEMENT 2	F	24.04.19
DA051	BASEMENT 1	F	24.04.19
DA200	GROUND LEVEL	F	24.04.19
DA201	LEVEL 1	F	24.04.19
DA202	LEVEL 2	F	24.04.19
DA203	LEVEL 3	F	24.04.19
DA204	LEVEL 4	F	24.04.19
DA205	LEVEL 5	F	24.04.19
DA206	LEVEL 6	F	24.04.19
DA207	LEVEL 7	F	24.04.19
DA208	LEVEL 8	G	10-5-19
DA209	TERRACE LEVEL	F	24.04.19
DA210	ROOF LEVEL	F	24.04.19
DA212	SECTION 1	F	24.04.19
DA216	STREET ELEVATION	F	24.04.19
DA221	SOUTH ELEVATION	F	24.04.19
DA222	NORTH ELEVATION	G	10-5-19
DA223	EAST ELEVATION	F	24.04.19
DA224	WEST ELEVATION	G	10-5-19
DA302	SHADOW DIAGRAMS	F	24.04.19
DA303	SHADOW DIAGRAMS	F	24.04.19
DA304	SUN VIEWS	F	24.04.19
DA305	SUN VIEWS	F	24.04.19
DA306	SUN VIEWS	F	24.04.19
DA307	SUN VIEWS	F	24.04.19
DA501	GFA	F	24.04.19
DA502	DEEP SOIL	F	24.04.19
DA510	CROSS VENTILATION	F	24.04.19
DA511	SOLAR ACCESS	F	24.04.19
DA600	PARKING SCHEDULE	F	24.04.19
DA601	STORAGE CALCULATION	F	24.04.19
DA710	PRE & POST ADAPTABLE UNITS	F	24.04.19
DA715	LIVEABLE UNITS	F	24.04.19
DA810	NORTH - FINISHES	F	24.04.19
DA811	EAST - FINISHES	F	24.04.19
DA812	WEST - FINISHES	F	24.04.19
DA813	SOUTH - FINISHES	F	24.04.19
DA815	3 D VIEWS	F	24.04.19
DA900	HEIGHT CONTROL DIAGRAM	F	24.04.19

No.	Description	Date
G	UNIT 8.1 AMENDED	10-5-19
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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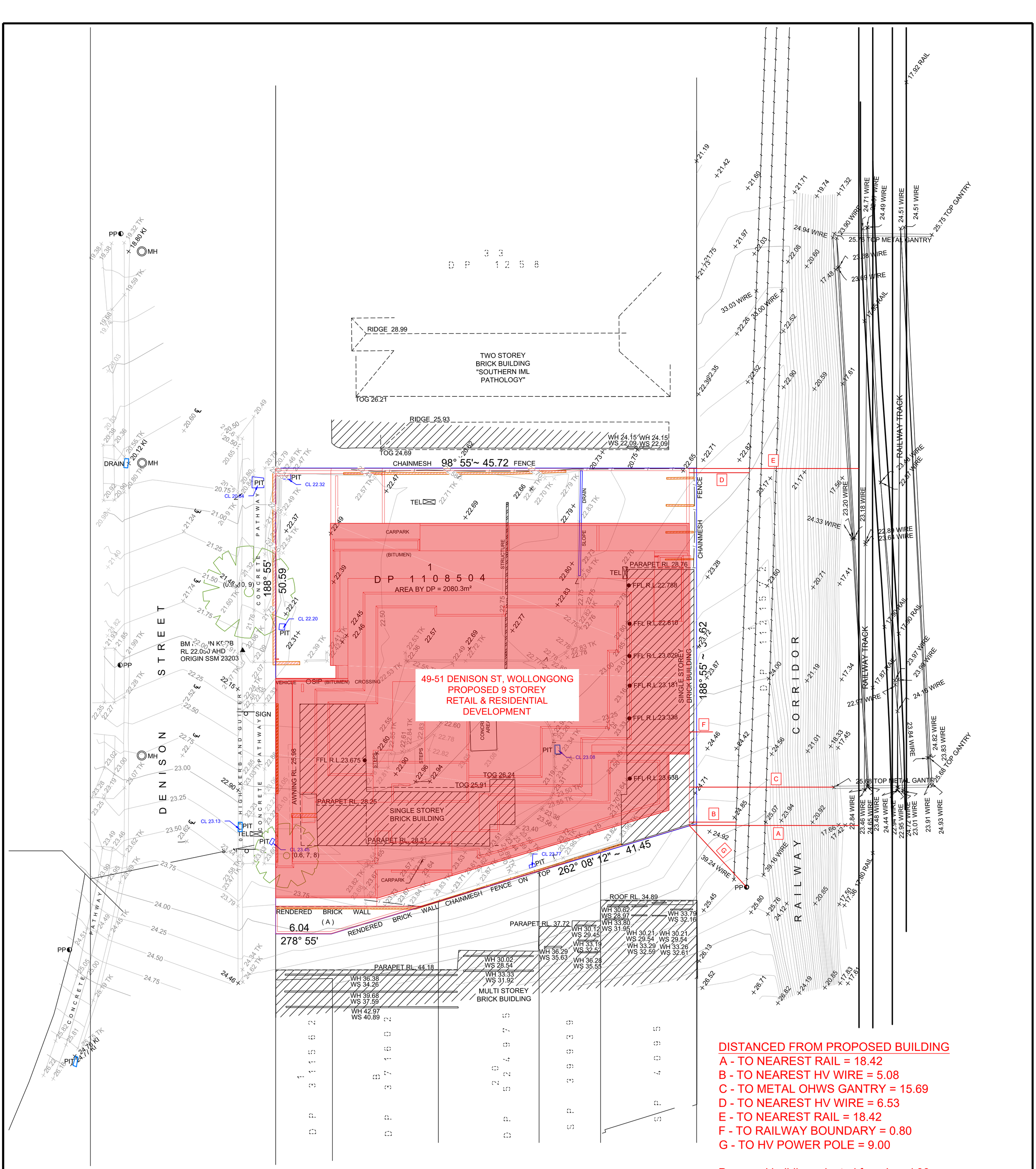
LEVEL
ARCHITECTURAL DIVISION

COVER SHEET

49-51 Denison St Wollongong
RETAIL & RESIDENTIAL DEVELOPMENT

10/05/2019 9:13:03 AM
1:100 @ A1
1:200 @ A3

DA000 G



LEGEND:

	WALL STRUCTURE		OVERHEAD POWER
▲	BENCHMARK		RAIL LINE
TEL	TELSTRA PIT		TRAIN GANTRY POWER
LP	LIGHT POLE		TRAIN OVERHEAD GANTRY
PP	POWER POLE		BUILDING STRUCTURE
TOG	TOP OF GUTTER	SIP	SEWER INSP POINT
WH	WINDOW HEAD	FFL	FLOOR LEVEL
WS	WINDOW SILL	TK	TOP OF KERB

(A) - V964719 EASEMENT FOR ACCESS
3 WIDE AND VARIABLE - DP 637771

DISTANCED FROM PROPOSED BUILDING
A - TO NEAREST RAIL = 18.42
B - TO NEAREST HV WIRE = 5.08
C - TO METAL OHWS GANTRY = 15.69
D - TO NEAREST HV WIRE = 6.53
E - TO NEAREST RAIL = 18.42
F - TO RAILWAY BOUNDARY = 0.80
G - TO HV POWER POLE = 9.00

Proposed building adopted from Level 33
Architectural Plans for 49-51 Denison St Wollongong
Dated 30.11.18

NOTES:

1. RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY.
2. BEARINGS AND DISTANCES OF BOUNDARIES ARE BY TITLE AND/OR DEED ONLY.
3. CONSTRUCTION WORKS MUST BE RELATED TO THE BENCHMARK AND NOT LEVELS OF STRUCTURES SHOWN ON THE PLAN.
4. LIMITED BOUNDARY SURVEY MADE. IF CONSTRUCTION OR DESIGN OF ANY NEW STRUCTURE IS INTENDED WITHIN PROXIMITY OF THE BOUNDARIES OR LOCAL GOVERNMENT REQUIREMENTS, A FURTHER SURVEY SHOULD BE REQUESTED TO MARK BOUNDARIES AND/OR DIMENSION WALL TO BOUNDARY DISTANCES.
5. THE TREE TRUNKS SHOWN ARE DIAGRAMMATIC ONLY. THE TRUE TRUNK RADIUS ARE STATED IN THE PLAN. TREE SPREADS & TRUNK RADIUS SHOWN ARE DIAGRAMMATIC ONLY AND TREE HEIGHTS ARE ESTIMATED. IF ANY OF THESE ELEMENTS ARE CRITICAL TO DESIGN (IN PARTICULAR DRIP LINES) MORE SPECIFIC DETAILS SHOULD BE REQUESTED FOR ACCURATE LOCATION.
6. CONTOURS ARE APPROXIMATE ONLY. SPOT LEVELS SHOULD BE USED IN REFERENCE TO CONTOUR LEVELS. FEATURES AND LEVELS CRITICAL TO DESIGN SHOULD BE LOCATED BY A MORE ACCURATE SURVEY. ALL SET OUT WITH REGARD TO LEVELS SHOULD REFER TO THE BENCHMARK.
7. NO SERVICES SEARCH HAS BEEN CARRIED OUT FOR THIS SURVEY. SERVICES SHOWN ARE INDICATIVE ONLY. POSITIONS ARE BASED ON SURFACE INDICATORS LOCATED DURING SURVEY. APPROPRIATE DIAL BEFORE YOU DIG SEARCHES SHOULD BE CARRIED OUT PRIOR TO ANY CONSTRUCTION TAKING PLACE. SEE DIAL BEFORE YOU DIG CONTACT INFORMATION ON THIS PLAN.
8. THIS SURVEY IS FOR CONTOUR AND DETAIL PURPOSES ONLY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE

PREPARED BY:
geosurv
consulting surveyors, planners & engineers
GEOSURV PTY LTD
ABN 99 121 987 004
PO Box R1670
ROYAL EXCHANGE NSW 1225
tel: 1300 554 675
fax: 1300 859 564
e-mail: info@geosurv.com.au
www.geosurv.com.au

ORIGINAL SIZE: A1

PREPARED FOR: LEVEL

REV.	DATE	AMENDMENTS

PLAN SCALE ON A1 SHEET 1:200

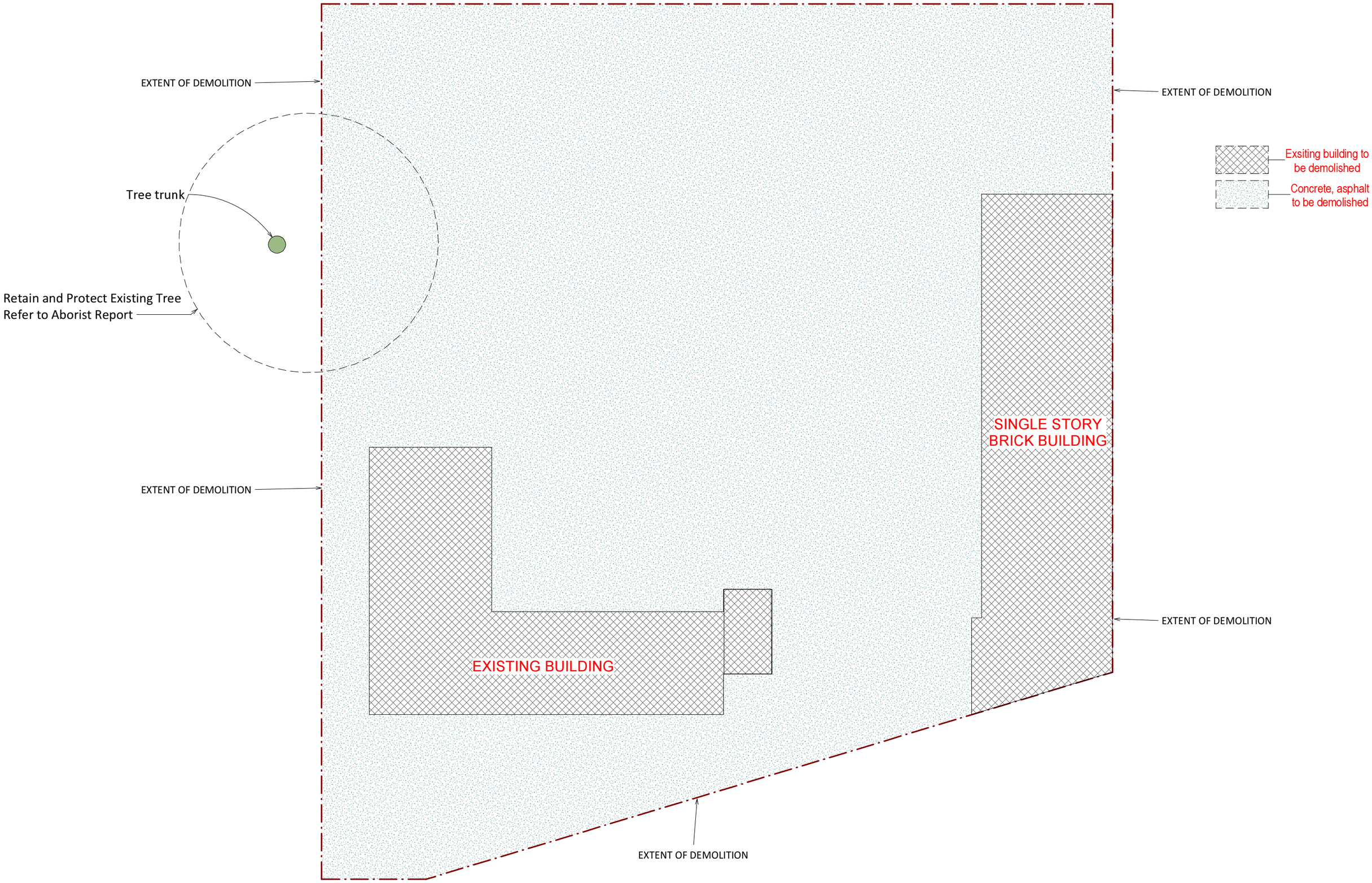
PLAN SHOWING:
PROPOSED DEVELOPMENT AND TOPOGRAPHIC SURVEY AT 49-51 DENISON STREET WOLLONGONG, NSW

M.G.A

LOT NUMBER:	1	SECTION NUMBER :	N/A
LOCALITY:	WOLLONGONG	LGA:	WOLLONGONG
AREA BY DP:	2080.3 m²	DEPOSITED PLAN:	DP 1108504
AZIMUTH :	M.G.A	CONTOUR INTERVAL	N/A
DATUM:	A.H.D	ORIGIN OF DATUM:	SSM 23203
SURVEY BY:	AE	DATE OF SURVEY:	12/01/18
DRAWN BY:	LB	DATE OF PLAN:	15/01/19
CHECKED BY:	LL	DATE OF CHECKING:	15/01/19
APPROVED BY:	GG	DATE OF APPROVAL:	15/01/19
PLAN REF:	170506-DT 02	SHEET No	1 OF 1 SHEETS

geosurv
Land & Construction Surveyors
GREGORY IRETON GIBSON
SURVEYOR REGISTERED UNDER THE SURVEYING AND SPATIAL INFORMATION ACT,2002 (NSW)
Date of signature: 15/01/2019

Cad File No: 170506-DT_04 DETAIL SURVEY + RAIL.dwg
Plot Date: 16 January 2019 - 4:08 PM



No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

DEMOLITION PLAN

49-51 Denison St Wollongong

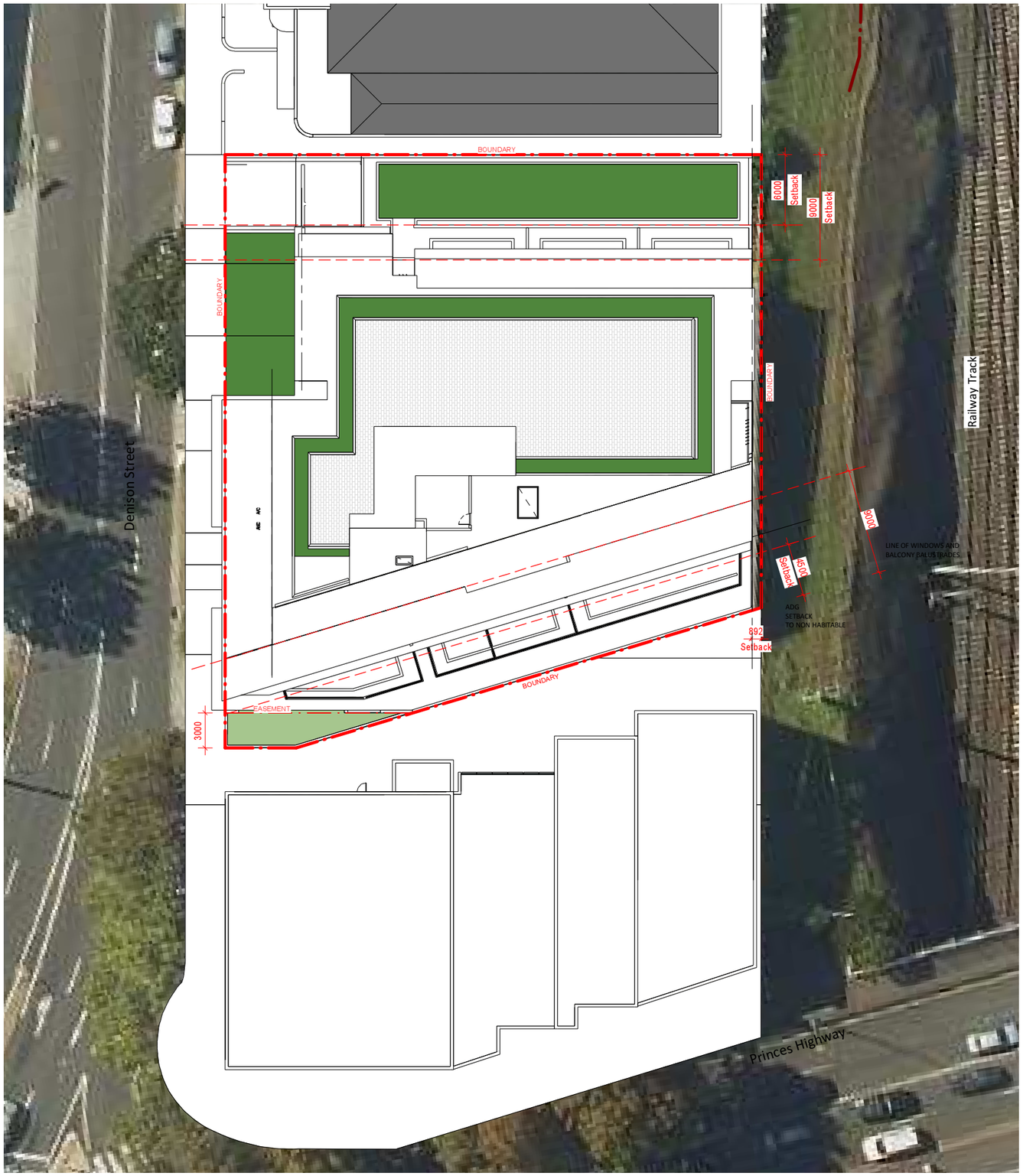
RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:18:24 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA003 F



F DA ISSUE-GFA & BALCONY AREAS ADJUSTED 24.04.19

No. Description Date

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LEVEL ARCHITECTURAL DIVISION

SITE PLAN

49-51 Denison St Wollongong

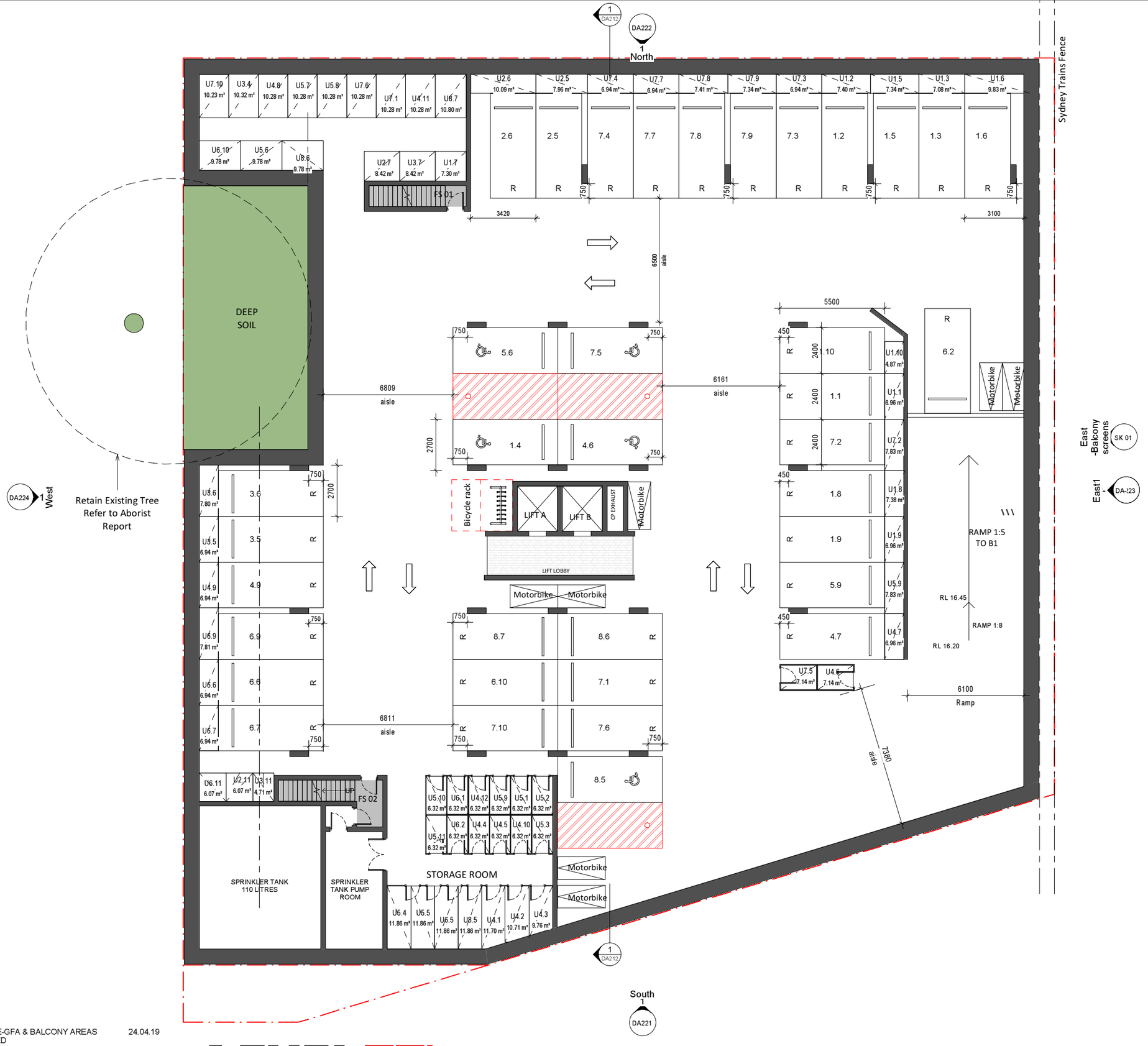
RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:20:48 AM
1:200 @ A1
1:400 @ A3

0 1 2 5 10m

North

DA008 F



No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

BASEMENT 2

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:20:51 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA050 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

BASEMENT 1

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:20:54 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA051 F

ROLLER SHUTTER OPEN DURING BUSINESS HOURS

BOUNDARY

DA212 1

DA222 1 North

EXIT SENSOR

5590

RAMP UP 1:20

RAMP UP 1:8

5500

6170

SWIPE CARD ACCESS SYSTEM / INTERCOM

SECURE RESIDENTIAL ROLLER SHUTTER

Sydney Trains Fence

20.79 x

21.12 x

21.27 x

21.72 x

22.07 x

22.33 x

22.86 x

23.06 x

23.21 x

6300

13000

3000

6150

5500

4300

7000

2700

2150

2000 visibility splay

Existing tree crown

Tree trunk

Retain Existing Tree Refer to Aborist Report

DEEP SOIL

LEVEL 1 SHOWN DASHED

Carpark Fire Exit 3

RETAIL No1

FFL 22280

OUTDOOR SEATING AREA

750

2500

1

2

14

SRV SPACE FOR GARBAGE PICKUP

ramp 1:14

2350

1100

FFL 22400

40 Mailboxes

ramp 1:20

ENTRY LOBBY

50 Mailboxes

Resi Fire Exit 1

To L1

LIFT A

LIFT B

CP EXHAUST

ceiling compactor

2,660 L Bin Carousel

4.5m headroom

Resi Fire Exit 2

UP

To L1

3-240 L Bin Linear

5 x 660 L bins (garbage compacted)

3 x 240 L bin (Recycling) Residential

Garbage room area: 70m²

Residential Garbage Room

RL 24.274

S.P.02

1000

RETAIL No2

FFL 22640

Substation 4200x4600 FFL 23150

12 m³ bulky goods

13

3

11

12

5805 aisle

300

FFL 22400

Carpark Fire Exit 2

FFL 23.620

RETAIL No3

FFL 23620

Commercial Garbage Room

FFL 22400

FFL 22.830

FFL 23.260

HYDRANT BOOSTER CUPS

Air Supply

EASEMENT

DEEP SOIL PLANTER

3000

BOUNDARY

BOUNDARY

BOUNDARY

AWNING SHOWN DASHED

AWNING SHOWN DASHED

AWNING SHOWN DASHED

DENISON STREET

DA224 1 West

DA212 1

South 1 DA221

5 x 660 L bins (garbage) Commercial
2 x 660 L bins (recycling) Commercial
Garbage room area: 17 m²

RL 22400

4

5

6

1200

7

8

9

10

18

C 7

C 8

C 1

C 2

C 3

C 4

C 5

RL 22.40

RL 22.15

RAMP 1:8

RAMP 1:5 FROM B1

295

5500

300

DEEP SOIL

Motorbike

FOOTPATH

RAILWAY CORRIDOR

DP 1121572

BOUNDARY

East -Balcony screens SK 01

East1 - DA-'23

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

GROUND LEVEL

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:02 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

North

DA200 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

LEVEL 1

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:08 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA201 F

DA Room Colour

- 1 BED
- 1 BED (ADAP)
- 2 BED
- 2 BED (ADAP)
- 2 BED (LH)
- FOYER
- Balcony
- Calculating...

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

LEVEL 2

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:13 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA202 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

LEVEL 3

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:19 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA203 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

LEVEL 4

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:22 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA204 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL
ARCHITECTURAL DIVISION

LEVEL 5

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:24 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA205 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

LEVEL 6

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:25 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

North

DA206 F

BOUNDARY

BOUNDARY

BOUNDARY

1 DA212

DA222 1 North

ADG - 5 to 8 storeys (25m)
18m between habitable rooms / balconies

9000

DA Room Colour

- 1 BED
- 1 BED (ADAP)
- 2 BED
- STUDIO
- FOYER
- Juliet Balcony
- Balcony
- Calculating...

East -Balcony screens SK 01

East1 - DA-223

DA224 1 West

HIGHLIGHT WINDOW

U7.1 Balcony 10.7 m² — 2997

U7.2 Balcony 8.4 m² — removable ramp 1:10 — 2700

U7.3 Balcon 8.1 m² — 2700

U7.4 Balcony 8.1 m² — 2700

U7.5 Balcony 8.1 m² — 2700

DINING

STUDY

LDY

BED 2

U7.1 2 BED 77.3 m²

KIT

BED 1

ST

bath

1001

1570

ø 2250

U7.2 1 BED (ADAP) 66.3 m²

ø 1550

U7.3 1 BED 58.1 m²

U7.4 1 BED 58.0 m²

U7.5 1 BED 58.2 m²

FOYER

HIGHLIGHT WINDOW

HIGH LIGHT WINDOW

KIT

KIT

LIVING

DINING

U7.11 2 BED 75.2 m²

ELECT

FHR

SPK

HYD

2100 FOYER 2100

2375

LIFT A

LIFT B

CP EXHAUST

GR Exh

1800

U7.6 STUDIO 35.1 m²

U7.6 Juliet Balcony 4.1 m²

U7.8 1 BED 51.5 m²

U7.7 2 BED 70.1 m²

U7.7 Balcony 10.8 m²

2422

U7.11 Balcony 10.3 m² — 2560

BED 1

3000

BED 1

SHR

SP 01

SP 02

2430

U7.10 Balcony 8.3 m²

U7.10 1 BED 57.7 m²

U7.9 2 BED 85.0 m²

U7.9 Balcony 10.8 m² — 2728

U7.8 Balcony 8.5 m²

9000

ADG - TO COIMMERCIAL/RETAIL

Skylight over with reflector shaft

EASEMENT

BOUNDARY

1 DA212

South 1 DA221

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

LEVEL 7

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:26 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

North

DA207 F

No.	Description	Date
G	UNIT 8.1 AMENDED	10-5-19
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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Nominated Registered Architect: George O'Donovan NSW 6763

LEVEL ARCHITECTURAL DIVISION

LEVEL 8

49-51 Denison St Wollongong

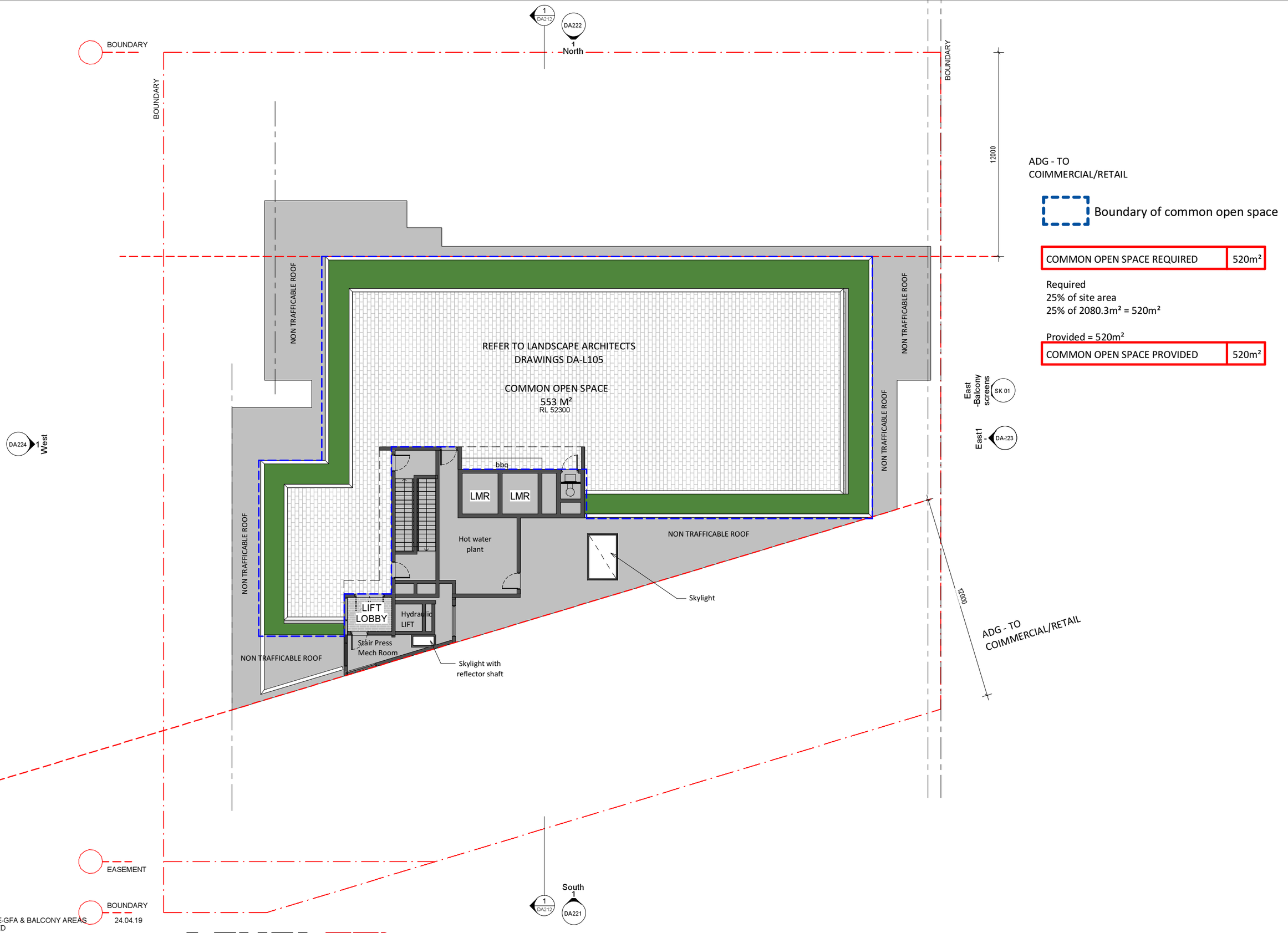
RETAIL & RESIDENTIAL DEVELOPMENT

10/05/2019 9:13:04 AM
1:100 @ A1
1:200 @ A3

North

0 1 2 5m

DA208 G



ADG - TO
COIMMERCIAL/RETAIL

Boundary of common open space

COMMON OPEN SPACE REQUIRED	520m²

Required
25% of site area
25% of 2080.3m² = 520m²

Provided = 520m²

COMMON OPEN SPACE PROVIDED	520m²

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

TERRACE LEVEL

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:28 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

North

DA209 F

BOUNDARY

BOUNDARY

1 DA212

DA222 1 North

BOUNDARY

East -Balcony screens SK 01

East1 - DA-223

DA224 1 West

Non-Trafficable
RL 54550

Non-Trafficable
RL 54500

Non-Trafficable
RL 54750

Skylight with reflector shaft

ADG - TO COIMMERCIAL/RETAIL

EASEMENT

BOUNDARY

1 DA212

South 1 DA221

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

ROOF LEVEL

49-51 Denison St Wollongong

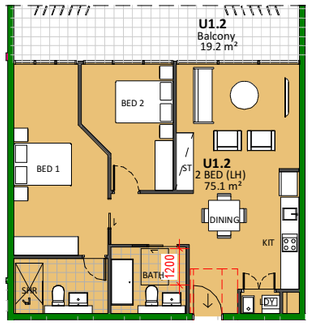
RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:29 AM
1:100 @ A1
1:200 @ A3

North

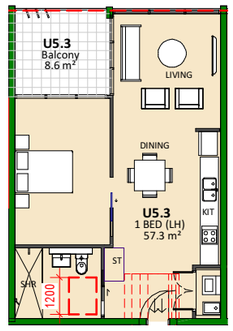
0 1 2 5m

DA210 F



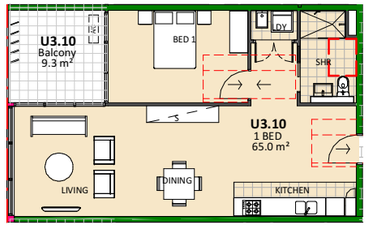
1 LIVABLE HOUSING UNIT
1 : 100

LIVABLE UNIT UNIT 1.2
LIVABLE UNIT UNIT 2.2
LIVABLE UNIT UNIT 3.2



3 LIVABLE HOUSING 3
1 : 100

LIVABLE UNIT UNIT 5.3
LIVABLE UNIT UNIT 5.4
LIVABLE UNIT UNIT 6.3
LIVABLE UNIT UNIT 6.4



2 LIVABLE HOUSING 2
1 : 100

LIVABLE UNIT UNIT 1.10
LIVABLE UNIT UNIT 2.10
LIVABLE UNIT UNIT 3.10

Liveable Required	Liveable Provided
20% of 88 Units = 18 18 Liveable Units required	9 Adaptable Units Provided

Accessible Units Provided	9
Liveable Units Provided	9
Total Units Provided	18

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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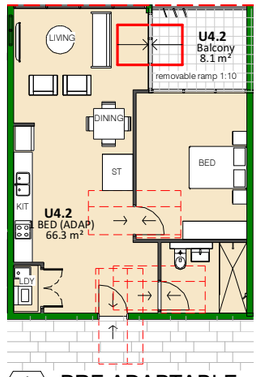
LEVEL ARCHITECTURAL DIVISION

LIVEABLE UNITS

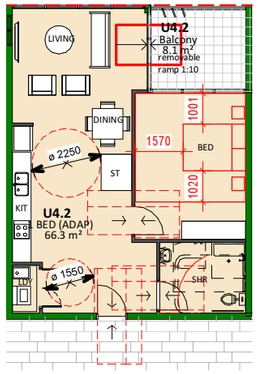
49-51 Denison St Wollongong
RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:25:27 AM
1:50 @ A1
1:100 @ A3

DA715 F

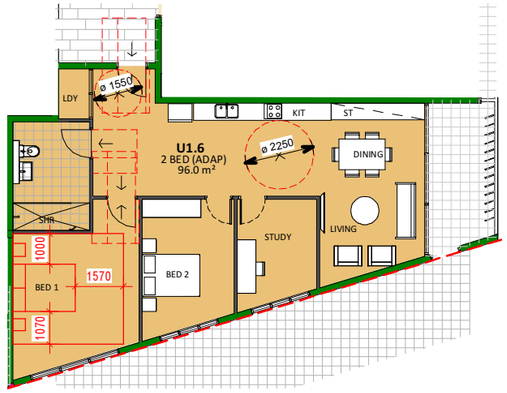


1 PRE ADAPTABLE
1 : 100

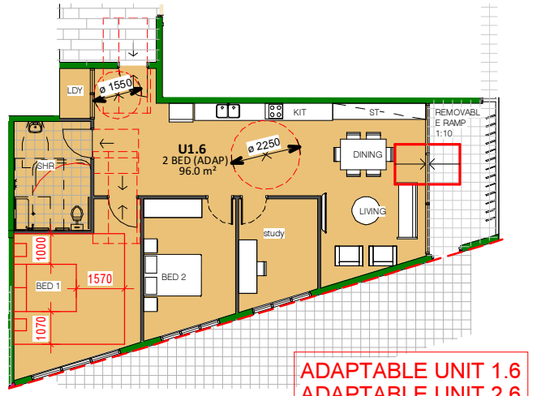


2 POST ADAPTABLE 1
1 : 100

ADAPTABLE UNIT 4.2
ADAPTABLE UNIT 4.3
ADAPTABLE UNIT 5.2
ADAPTABLE UNIT 6.2
ADAPTABLE UNIT 7.2

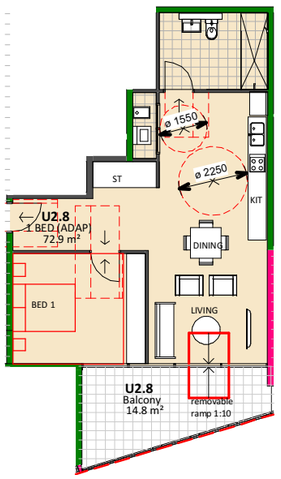


3 PRE ADAPTABLE 2
1 : 100

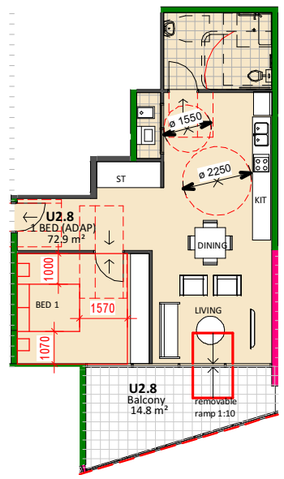


4 POST ADAPTABLE 2
1 : 100

ADAPTABLE UNIT 1.6
ADAPTABLE UNIT 2.6
ADAPTABLE UNIT 3.6

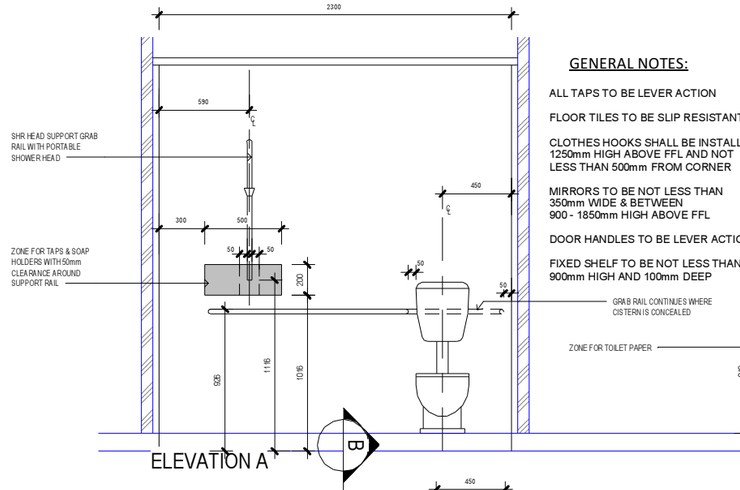


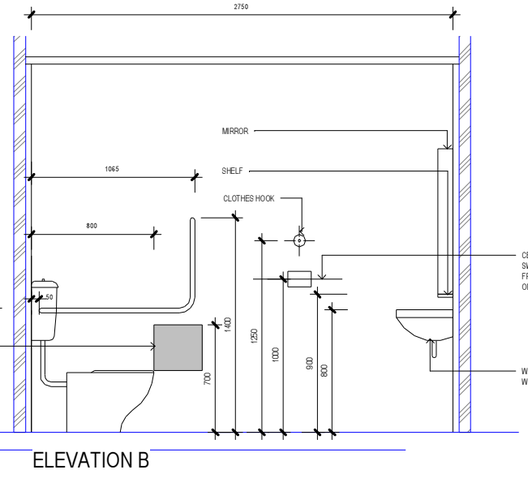
7 PRE ADAPTABLE 3
1 : 100



8 POST ADAPTABLE 3
1 : 100

ADAPTABLE UNIT 2.8





GENERAL NOTES:

ALL TAPS TO BE LEVER ACTION

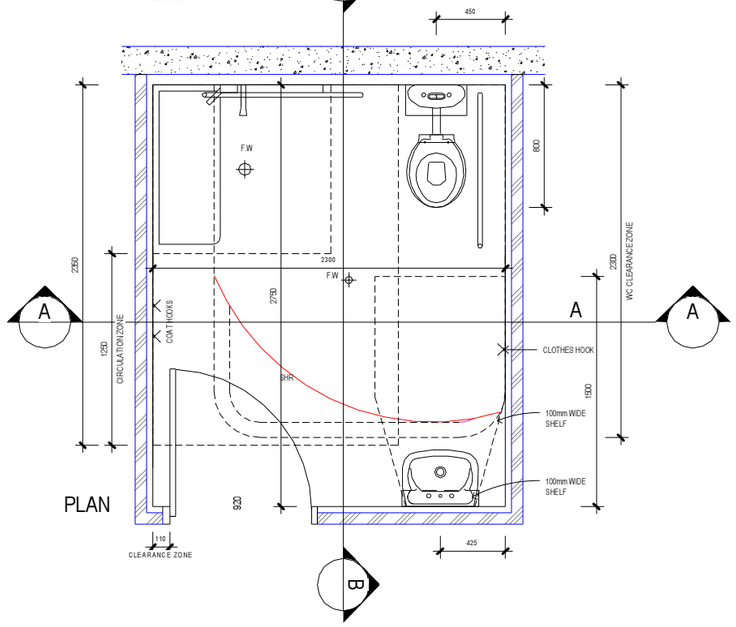
FLOOR TILES TO BE SLIP RESISTANT

CLOTHES HOOKS SHALL BE INSTALLED 1250mm HIGH ABOVE FFL AND NOT LESS THAN 500mm FROM CORNER

MIRRORS TO BE NOT LESS THAN 350mm WIDE & BETWEEN 900 - 1850mm HIGH ABOVE FFL

DOOR HANDLES TO BE LEVER ACTION

FIXED SHELF TO BE NOT LESS THAN 900mm HIGH AND 100mm DEEP



THIS DRAWING IS TO BE READ IN CONJUNCTION WITH AS1482.1 - 2009 DESIGN FOR ACCESS AND MOBILITY

ALL SERVICES INFORMATION SHOWN IS DESIGN INTENT ONLY. FOR ALL SERVICES CONSTRUCTION INFORMATION PLEASE REFER TO RELEVANT SUBCONTRACTORS DRAWINGS AND SPECIFICATIONS.

APARTMENT NOTES (RESIDENTIAL & SERVICED)
ACCESSIBLE WCs / SHOWERS WILL REQUIRE:

1. ENSURE THE PAN SEAT TO HAVE 30% LUMINANCE CONTRAST AGAINST BACKGROUND TILED FLOOR SURFACE;
2. LEVER CONTROLS FOR SHOWER AND BASIN (BASIN LEVER TO BE NO GREATER THAN 300mm FROMT FRONT OF TAPS);
3. 1 x CLOTHING HANGING DEVICE TO BE INSTALLED BETWEEN 1200mm - 1350mm FROM FFL AND AT LEAST 500mm FROM AN INTERNAL CORNER FOR WC;
4. DOOR TO INCLUDE AN IN-USE INDICATOR AND A BOLT / CATCH THAT CAN BE OPENED FROM OUTSIDE IN AN EMERGENCY. IF SNIB TURN IS USED THE HANDLE IS TO 45mm FROM CENTRE;
5. DOOR OPERATION TO BE LIGHTWEIGHT;
6. LIGHT SWITCHES TO BE INSTALLED BETWEEN 900 - 1100mm ABOVE FFL AND 500mm MININUM FROM INTERNAL CORNER;
7. GPOs TO BE INSTALLED BETWEEN 600 - 1100mm ABOVE FFL AND 500mm MINIMUM FROM INTERNAL CORNER;
8. ROCKER ACTION / TOGGLE TYPE SWITCHES AT LEAST 30 x 30mm DIMENSIONS ARE REQUIRED TO ASSIST PEOPLE WITH DEXTERITY IMPAIRMENT;
9. ENSURE ALL ACCESSIBLE SHOWERS TO HAVE SHOWER RAIL / CURTAIN INSTALLED;
10. ENSURE HEIGHT OF THE HOSE WALL OUTLET TO BE 700mm HEIGHT ABOVE FFL, COMPLIANT WITH AS1428.1 - fig 48 TO ENSURE SUITABLE HOSE LENGTH WHEN SHOWERING. TO ALSO INCLUDE SUITABLE BACK-FLOW PREVENTION DEVICE;
11. SLIP-RESISTANCE OF FLOORS TO HAVE MINIMUM CLASS 'X' RATING.

GENERAL NOTES.

- PROVIDE DOOR PEEPHOLE AT 1220mm ABOVE FFL.
- SLIP-RESISTANCE OF FLOORS TO HAVE MINIMUM CLASS 'X' RATING TO BATHROOM, KITCHENETTE, LAUNDRY AND BALCONY AS REQUIRED IN AS4299 CLAUSE 4.5.4
- AT LEAST ONE GPO IN EACH KEY ROOM / AREA TO BE INSTALLED BETWEEN 600 - 1100mm ABOVE FFL AND 500mm MINIMUM FROM CORNER.
- PROVIDE 1 x DOUBLE GPO WITHIN 300mm OF FRONT OF KITCHEN WORK SURFACE, TO BE REACHABLE BY A PERSON USING A WHEELCHAIR.
- ALL LIGHT SWITCHES TO BE INSTALLED BETWEEN 900 - 1100mm ABOVE FFL & 500mm MINIMUM FROM INTERNAL CORNER.
- ALL OTHER ELECTRICAL CONTROLS TO KEY FEATURES (EG. INTERCOM, SECURITY SWIPE, A/C UNIT, SAFE SOUND SYSTEM ETC.) TO BE INSTALLED WITH OPERATIVE PART BETWEEN 900 - 1250mm ABOVE AFFL AND 500mm MINIMUM FROM INTERNAL CORNER.
- PROVIDE 1 x DOUBLE GPO BESIDE ADAPTABLE UNIT BATHROOM MIRROR AND ALSO WITHIN LAUNDRY IN ACCORDANCE WITH AS4299.
- ENSURE ANY PARTITION WALLS / FIXTURES TO BE RELOCATED / REMOVED AT POST ADAPTATION DO NOT HAVE ANY ELECTRICAL / GAS OR PLUMBING SERVICES INSTALLED AT PRE-ADAPTATION FOR EASE OF ADAPTATION IN ACCORDANCE WITH AS4299.
- PROVIDE EXTRA CAPPED OFF SERVICES WITH SUITABLE SET-OUTS AND CLEARANCES TO ALLOW FOR RELOCATION OF FIXTURES IN POST-ADAPTATION LOCATIONS, COMPLIANT WITH AS1428.1,
- WALL STRENGTHENING AROUND PAN, SHOWER AND BATH AND WATERPROOFING OF WALLS TO BE PROVIDED AT PRE-ADAPTATION STAGE IN ACCORDANCE WITH AS1428.1, CLAUSE 4.4.4h.
- WHERE APPLICABLE, ENSURE CARPET PILE HEIGHT IS NO MORE THAN 11mm WITH 4mm MAXIMUM BACKING SURFACE (COMPLIANT WITH DDA PREMISES STANDARD).

Adaptable Required

10% of 88 Units = 9
9 Adaptable Units required

Adaptable Provided

9 Adaptable Units Provided

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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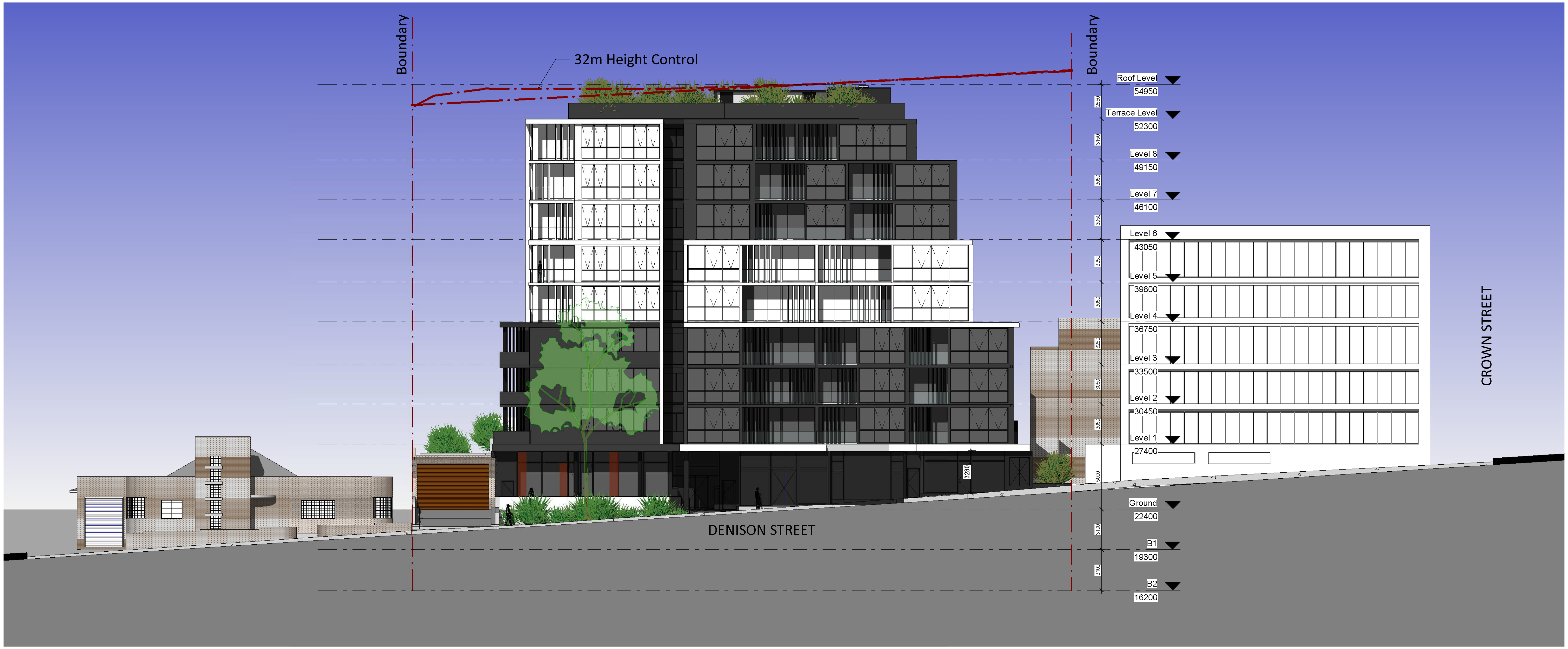
LEVEL ARCHITECTURAL DIVISION

PRE & POST ADAPTABLE UNITS

49-51 Denison St Wollongong
RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:25:25 AM
1:100 @ A1
1:200 @ A3

DA710 F



1 STREET ELEVATION
1 : 150

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL 33 ARCHITECTURAL DIVISION

STREET ELEVATION

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:49 AM
1:150 @ A1
1:300 @ A3

DA216 F

No.	Description	Date
G	UNIT 8.1 AMENDED	10-5-19
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL
ARCHITECTURAL DIVISION

WEST ELEVATION

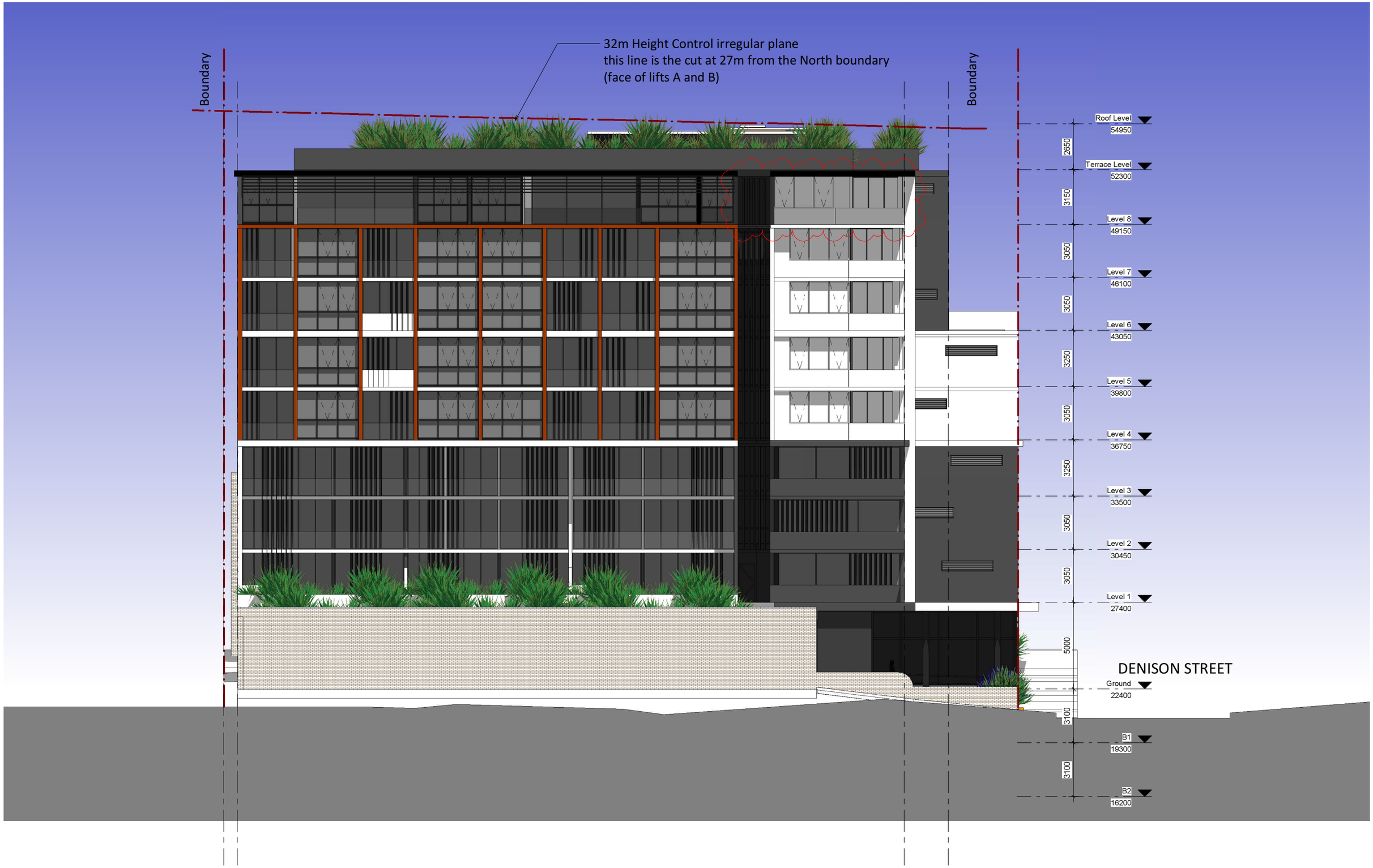
49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

10/05/2019 9:13:34 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

DA224 G



No.	Description	Date
G	UNIT 8.1 AMENDED	10-5-19
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL
ARCHITECTURAL DIVISION

NORTH ELEVATION

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

10/05/2019 9:13:18 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

DA222 G

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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Nominated Registered Architect: George O'Donovan NSW 6763

LEVEL
ARCHITECTURAL DIVISION

EAST ELEVATION

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:22:43 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

DA223 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

SOUTH ELEVATION

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:22:06 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

DA221 F

WALL & CONCRETE PAINT COLOURS

1 DULUX VIVID WHITE PW1H9

2 DULUX WAYWARD GREY PG1G8

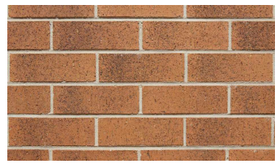
ALUMINIUM POWDERCOTE

3 DULUX POWDERCOAT ARMOURSPRAY AG BLACK SATIN 9109024S

ALUMINIUM WINDOWS AND SLIDING DOORS

4 ALUMINIUM FRAMED GLAZING CLEAR DULUX POWDERCOAT ARMOUR SPRAY AG BLACK SATIN 91090248

ALUMINIUM WINDOWS AND SLIDING DOORS



5 SIMPSON, DESERT, TAN, BRICK

BALUSTRADES

6 ALUMINIUM FRAMED GLASS BALUSTRADE CLEAR DULUX POWDERCOAT ARMOUR SPRAY AG BLACK SATIN 91090248

LOUVRES

7 FIXED ALUMINIUM LOUVRES (AS ANTI THROW MEASURES) DULUX POWDERCOAT ARMOUR SPRAY AG BLACK SATIN 91090248 ALSO FIXED HORIZONTAL LOUVRES TO LEVEL 8 NORTH FACE IN SAME FINISH

DETAIL VERTICAL BLADES - NORTH FACADE

8 PAINT FINISH DULUX RED TERRA

DETAIL VERTICAL BLADES - NORTH FACADE

9 PAINT FINISH DULUX RED TERRA

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

WEST - FINISHES

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:25:58 AM
1:100 @ A1
1:200 @ A3

0 1 2 5m

DA812 F

No.	Description	Date
F	DA ISSUE-GFA & BALCONY AREAS ADJUSTED	24.04.19

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LEVEL ARCHITECTURAL DIVISION

SECTION 1

49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:21:33 AM
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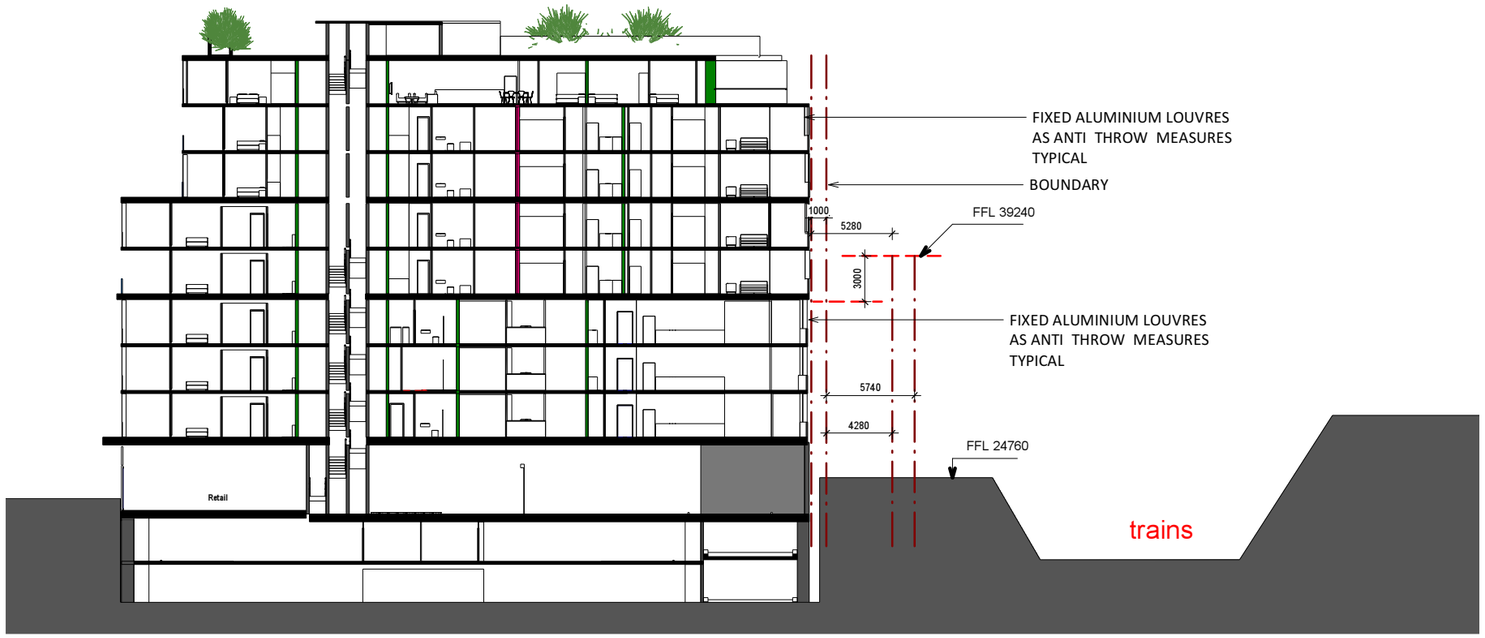
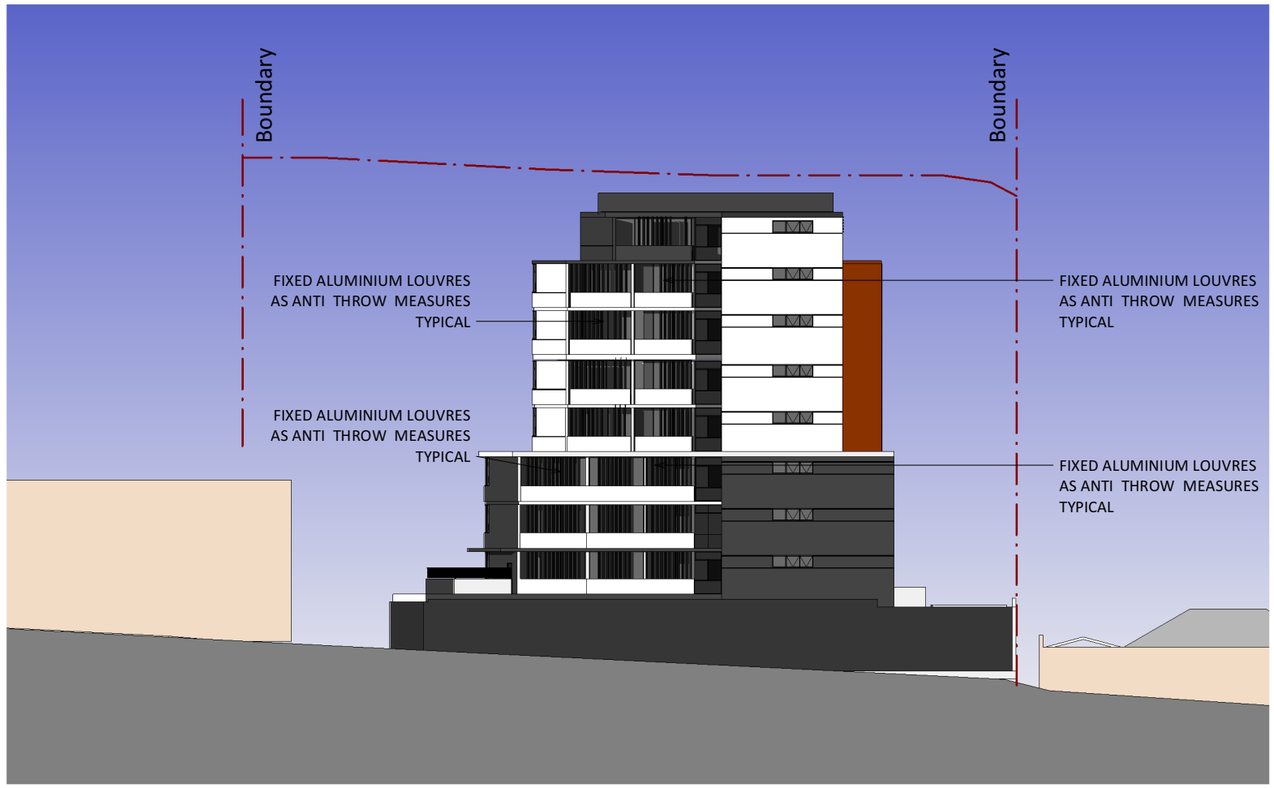
1:200 @ A3

DA212 F



1 Section 5
1 : 200



2 East -Balcony screens
1 : 200

3 Level 1 -Anti Throw measures-typical
1 : 200

No. Description Date

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Nominated Registered Architect: George O'Donovan NSW 6763

LEVEL ARCHITECTURAL DIVISION

SECTION- ANTI THROW MEASURES

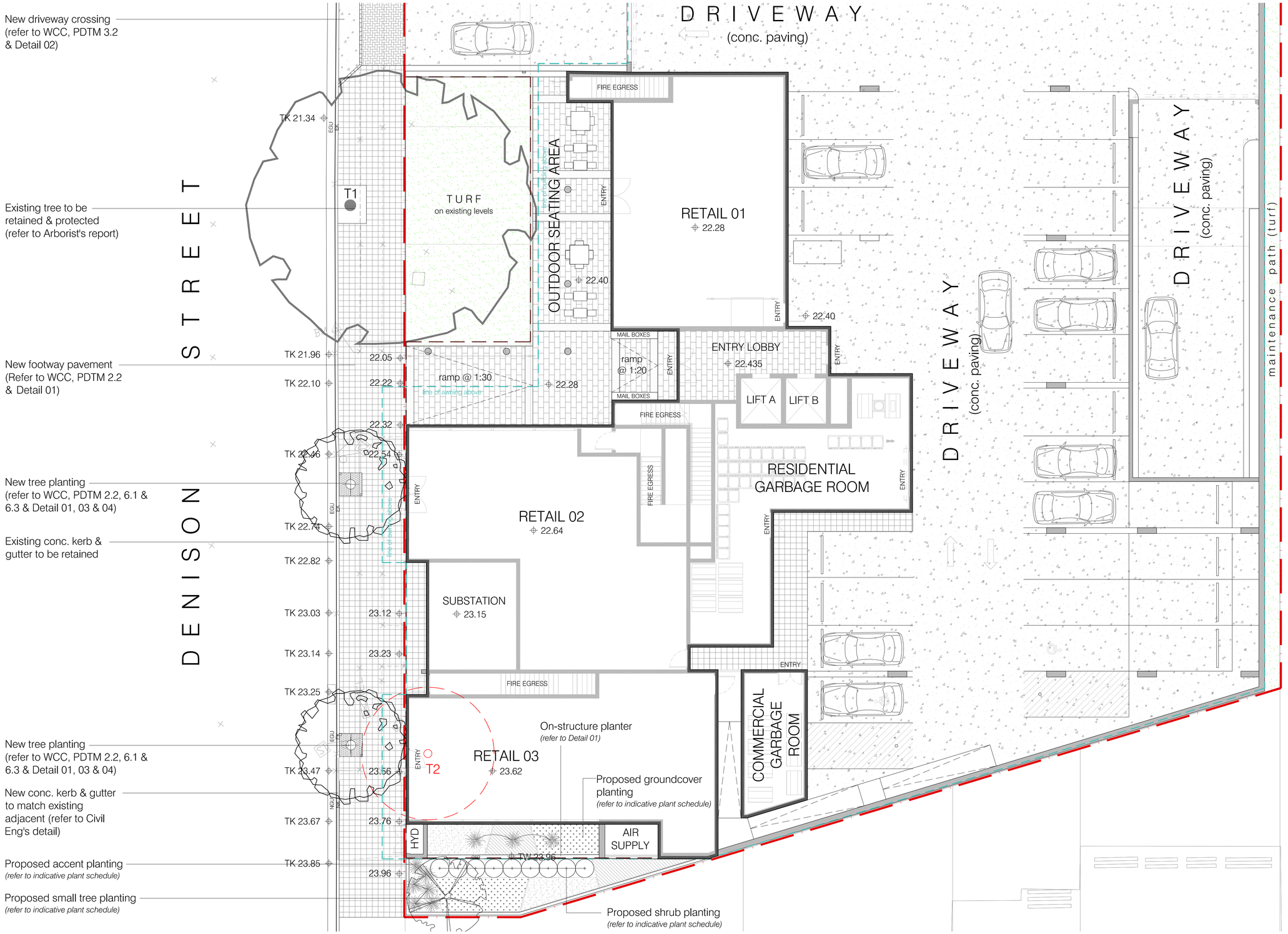
49-51 Denison St Wollongong

RETAIL & RESIDENTIAL DEVELOPMENT

24/04/2019 9:26:29 AM

North

SK 01



CANVAS landscape architects
membership # 001253
mobs: 0401 352 334
email:bobby@canvaslandscape.com.au

49-51 Denison Street, WOLLONGONG NSW

0 1 2 5 10 scale @1:100A1 @1:200A3

north

dwg title	landscape plan: ground fr
scale:	1:100 @a1/1:200@a3
dwg no.:	DA-L101
Client:	Wollongong Investments No. 2 Pty Ltd

revision		date
A	da submission	03/04/18
B	da amendments	21/05/18
C	da amendments	10/07/18
D	da amendments	03/12/18
E	da amendments	01/04/19

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STREET

DENISON

conc. maintenance path

Proposed groundcover planting
(refer to indicative plant schedule)

Small tree planting
in large GRC pot

300mm high conc. hob

Proposed accent planting
(refer to indicative plant schedule)

Proposed shrub planting
(refer to indicative plant schedule)

Proposed groundcover planting
(refer to indicative plant schedule)

EXTENSIVE ROOF GARDEN AREA

TW 28.40

TW 28.40

27.40

line of building above

BALCONY

BALCONY

BALCONY

BALCONY

ENTRY

U1.1

U1.2

U1.3

U1.4

U1.5

U1.6

U1.7

U1.8

U1.9

U1.10

U1.11

LIFT A

LIFT B

LEVEL 01

27.40

BALCONY

BALCONY

BALCONY

BALCONY

BALCONY

Proposed groundcover planting
(refer to indicative plant schedule)

Proposed shrub planting
(refer to indicative plant schedule)

Proposed accent planting
(refer to indicative plant schedule)

Proposed accent planting
(refer to indicative plant schedule)

TW 28.00

TW 28.00

TW 28.00

NON-TRAFFICABLE ROOF

On-structure planter
(refer to Detail 01)

Proposed shrub planting
(refer to indicative plant schedule)

LANDSCAPE PLAN: level 1 scale: 1:100

CANVAS landscape architects
membership # 001253
mob: 0401 352 334
email: bobby@canvaslandscape.com.au

49-51 Denison Street, WOLLONGONG NSW

0 1 2 5 10 scale @1:100A1 @1:200A3

north

dwg title: landscape plan: level 01

scale: 1:100 @a1/1:200@a3
dwg no.: DA-L102
Client: Wollongong Investments No. 2 Pty Ltd

revision		date
A	da submission	03/04/18
B	da amendments	21/05/18
C	da amendments	10/07/18
D	da amendments	03/12/18
E	da amendments	01/04/19

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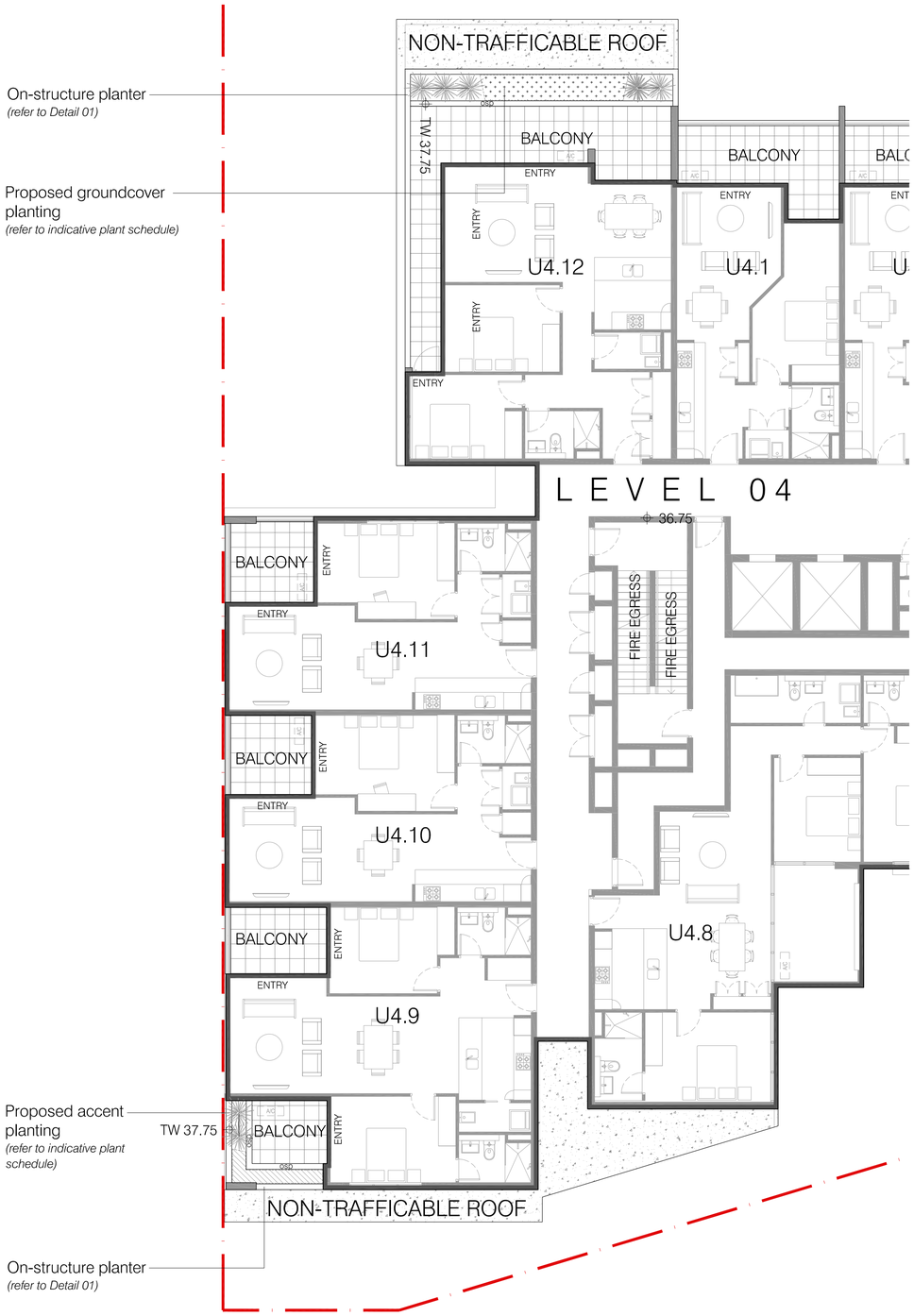
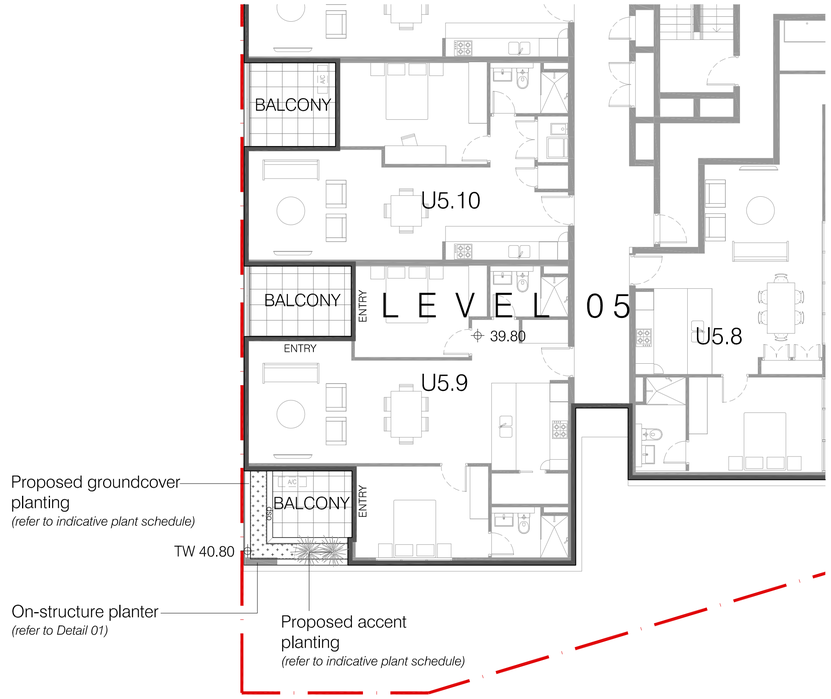
DENISON STREET



LANDSCAPE PLAN: level 4 scale: 1:100



LANDSCAPE PLAN: level 5 scale: 1:100

CANVAS landscape architects
membership # 001253
mob: 0401 352 334
email:bobby@canvaslandscape.com.au

49-51 Denison Street, WOLLONGONG NSW

0 1 2 5 10 scale @1: 100A1 @1: 200A3

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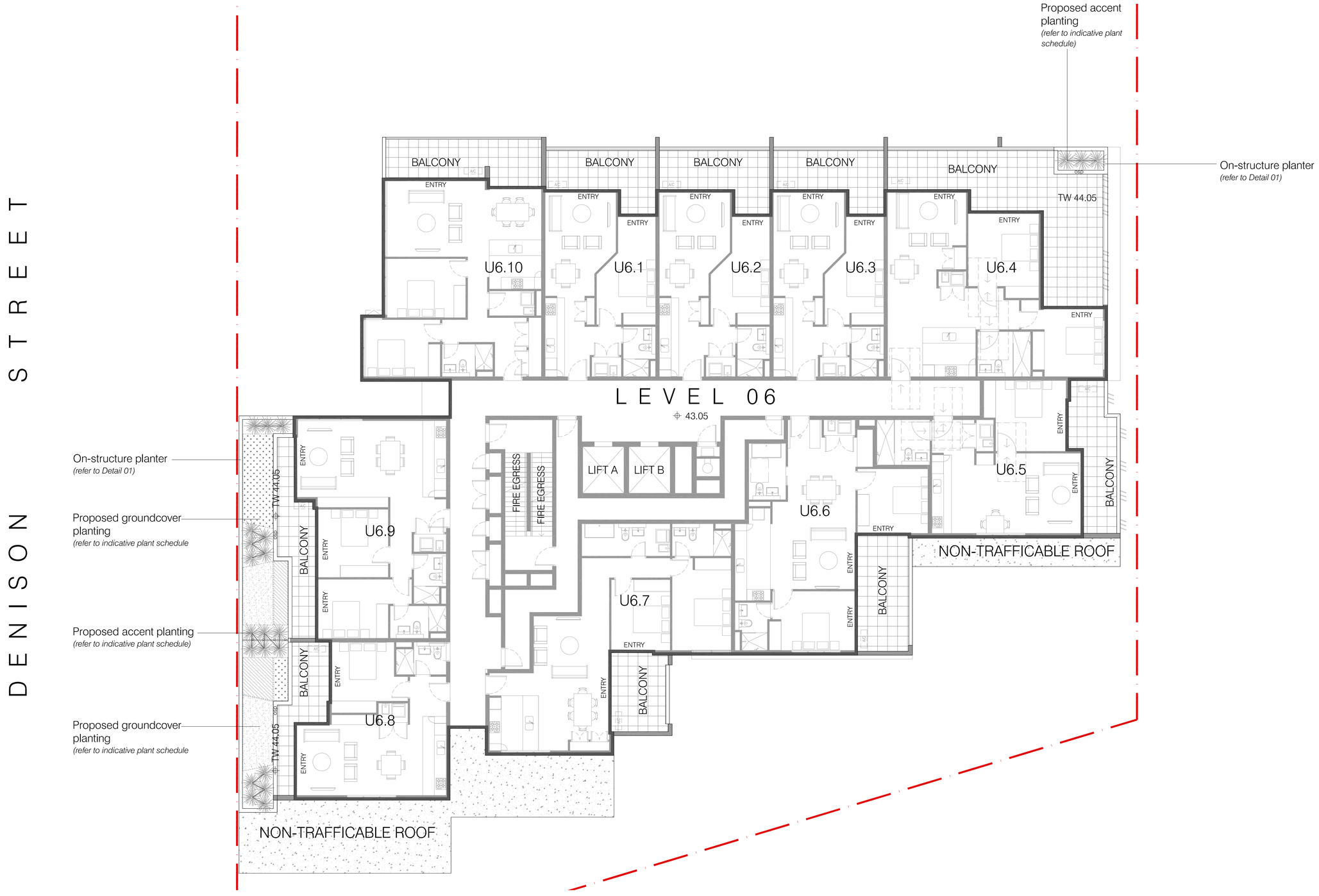
north

dwg title: landscape plan: level 04 & 05

scale: 1:100 @a1/1:200@a3
dwg no.: DA-L103
Client: Wollongong Investments No. 2 Pty Ltd

revision		date
A	da submission	03/04/18
B	da amendments	21/05/18
C	da amendments	10/07/18
D	da amendments	03/12/18



LANDSCAPE PLAN: level 6 scale: 1:100

CANVAS landscape architects
membership # 001253
mobi: 0401 352 334
email:kobby@canvaslandscape.com.au

49-51 Denison Street, WOLLONGONG NSW

0 1 2 5 10 scale @1:100A1 @1:200A3

north

dwg title	scale: 1:100 @a1/1:200@a3
landscape plan: level 06	dwg no.: DA-L104
	Client: Wollongong Investments No. 2 Pty Ltd

revision		date
A	da submission	03/04/18
B	da amendments	21/05/18
C	da amendments	10/07/18
D	da amendments	03/12/18

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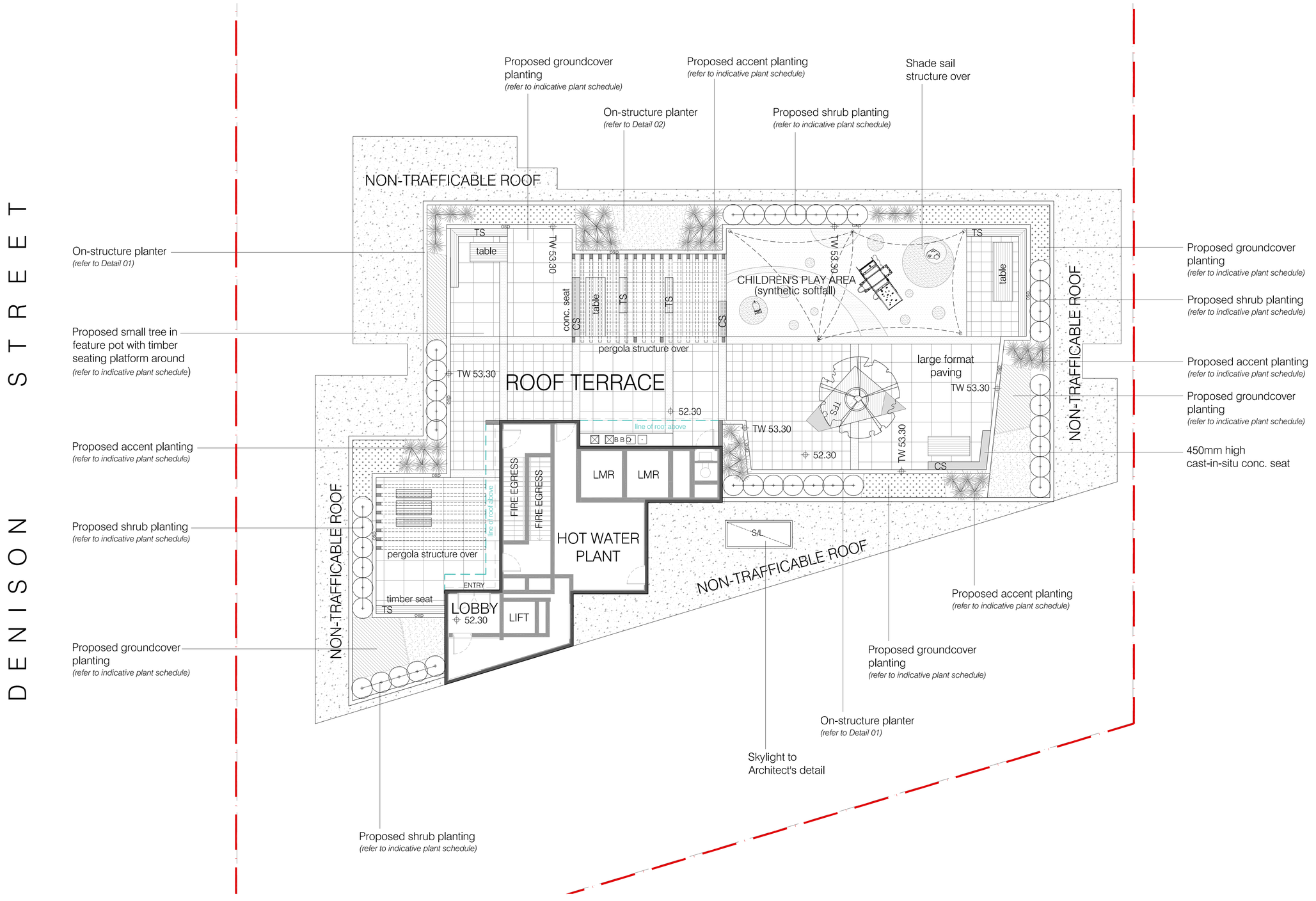

LANDSCAPE PLAN:roof terrace scale: 1:100

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49-51 Denison Street, WOLLONGONG NSW

0 1 2 5 10 scale @1:100A1 @1:200A3

north

dwg title	landscape plan: roof terrace
scale:	1:100 @a1/1:200@a3
dwg no.:	DA-L103
Client:	Wollongong Investments No. 2 Pty Ltd

revision		date
A	da submission	03/04/18
B	da amendments	21/05/18
C	da amendments	10/07/18
D	da amendments	04/12/18
E	da amendments	01/04/19

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Attachment 2 - Aerial photograph and WLEP 2009 zoning map

Figure 1 – 2018 Aerial photograph (source: Wollongong Council). The site is outlined by the red line.

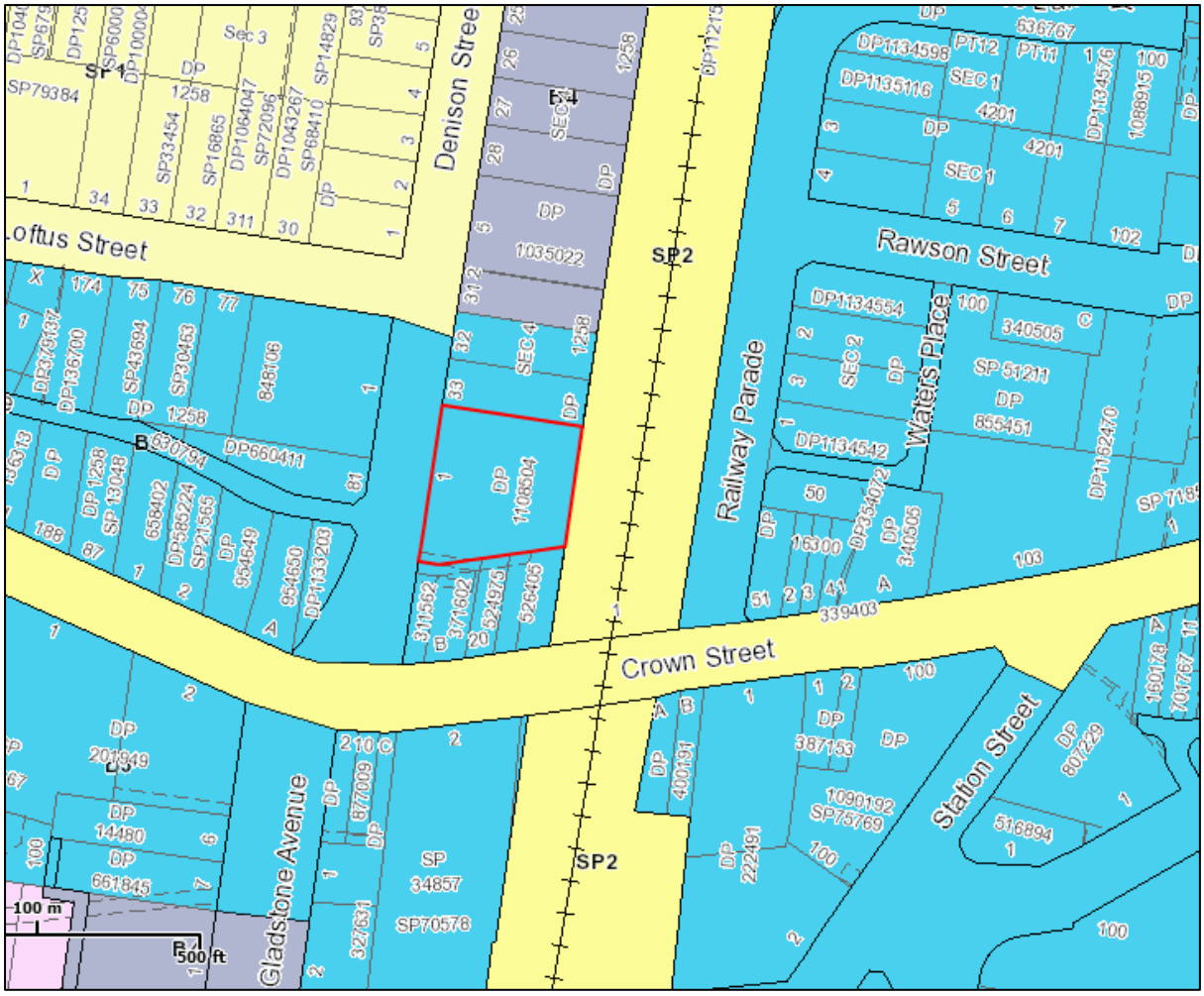

Figure 2 – Zoning Extract Wollongong LEP 2009

CLAUSE 4.6 VARIATION

CLAUSE 8.6 – BUILDING SEPARATION WITHIN ZONE B3 or ZONE B4 MIXED USE

WOLLONGONG LEP 2009

Proposed Mixed Use Development,

49-51 Denison St Wollongong

19 April, 2018

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LIST OF ILLUSTRATIONS

1. INTRODUCTION

This report has been prepared to support the submission of a Development Application (DA) to be lodged with Wollongong City Council. The proposal seeks approval for demolition and construction of a new mixed use development at 49 - 51 Denison Street, Wollongong.

The application proposes to demolish the existing buildings and other structures on the site and construct a new 9 level building containing two basements, three ground floor commercial / retail spaces (375.9m²), & car parking, a total of 86 residential units and a roof terrace containing 664m² of common open space.

This report has been prepared in relation to the plans titled ***DA 000 – DA 900 (not consecutive), Revision A, dated 26-03-18,*** prepared by ***Level 33 Architectural Division.***

Under ***Clause 8.6 (2) & (3)*** of the LEP minimum separation distances are required between adjoining buildings in the B3 and B4 zones, where those buildings contain residential components. The proposed building has been designed to comply with the building separation requirements of the Apartment Design Guide (ADG), which forms part of State Environmental Planning Policy (SEPP) 65. The SEPP is a higher order Environmental Planning Instrument (EPI) and thus takes precedence.

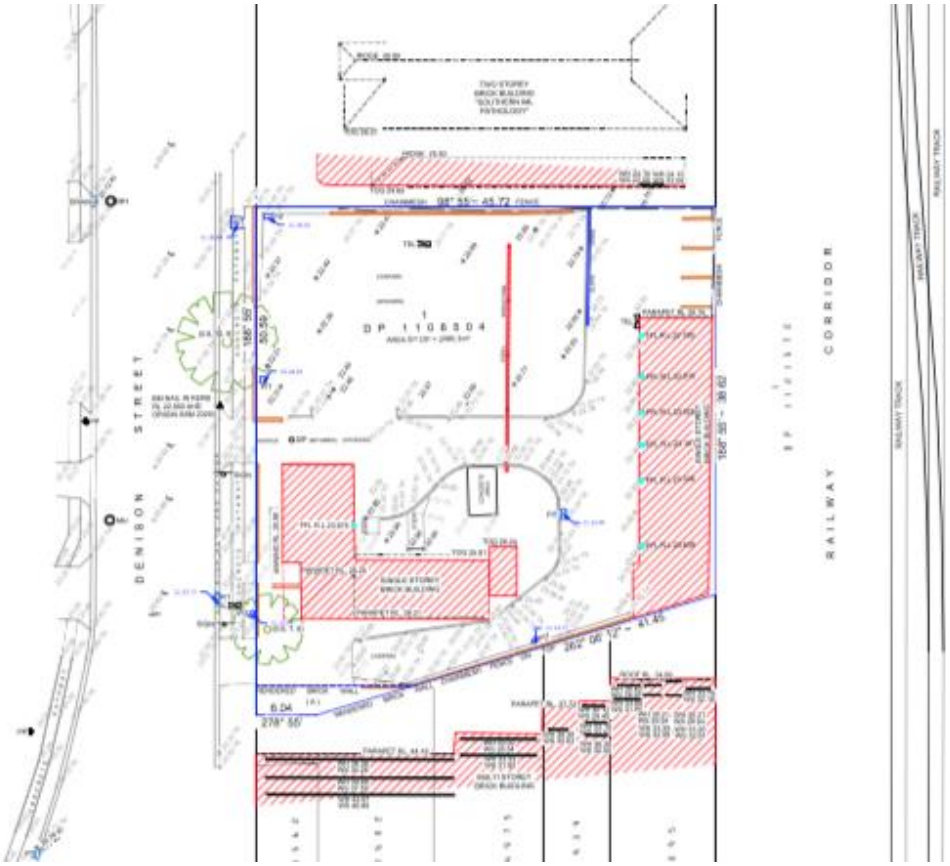
Accordingly, a request to vary the building separation standards under ***clause 8.6*** of the ***LEP*** needs to be prepared, which is the purpose of this report,.

2. SITE AND LOCATION

The site that is the subject of this report comprises Lot 1 in DP 1108504 and is known as 49 - 51 Denison Street, Wollongong. The site has an area of 2080.3m².

The site is shaped as a parallelogram (see survey in ***Figure 1*** below with an east / west orientation and frontage to Denison Street of 50.59 metres (m). The northern boundary is 45.72m in length, the western boundary 38.62m, with the southern offset boundary length being 47.49m. The site incorporates a variable fall from south to north of approximately 1.3m, with a smaller cross fall from East to West.

Figure 1 – Site Survey



The property is located on the eastern side of Denison Street approximately 45m north of its intersection with Crown Street and opposite Khan Lane. The property is located within the Wollongong City Centre and is occupied by a single storey commercial building used for pathology Services and an associated car park ***(see figure 2*)**.

Figure 2 – Existing Building

The surrounding area is characterised by a mix of building forms, style and age. These include commercial, retail, mixed use, dwellings and higher density residential uses. Immediately to the south are multi storey commercial buildings that front Crown Street, while opposite in Denison Street is the Wollongong Fire Station. Along the eastern property boundary is the main rail line, with the Wollongong Railway Station approximately 150m south, across Crown Street.

The Wollongong commercial centre incorporates comprehensive retail / business and Civic facilities, major train and bus services. The centre has been undergoing a gentrification in development following recent amendments to the relevant planning framework. In the area nearby to the subject site less redevelopment has occurred than in other precincts of the centre.

The proposal is designed to enhance the ongoing re development and vitality of the surrounding area by the provision of a modern mixed – use development. It has a variety of commercial / retail tenancies and residential unit layouts, with good quality communal and private open spaces, incorporating district views and is compliant with the relevant planning framework.

There are a number of recreation areas and facilities nearby including McCabe and Beaton Parks, WIN Stadium, Wollongong Beach & Golf Course, various Clubs, cafes and restaurants. The general location of the site and the surrounding built form are shown on ***figures 3*** and ***4*** below and on the following page.

Figure 3 – Location Map

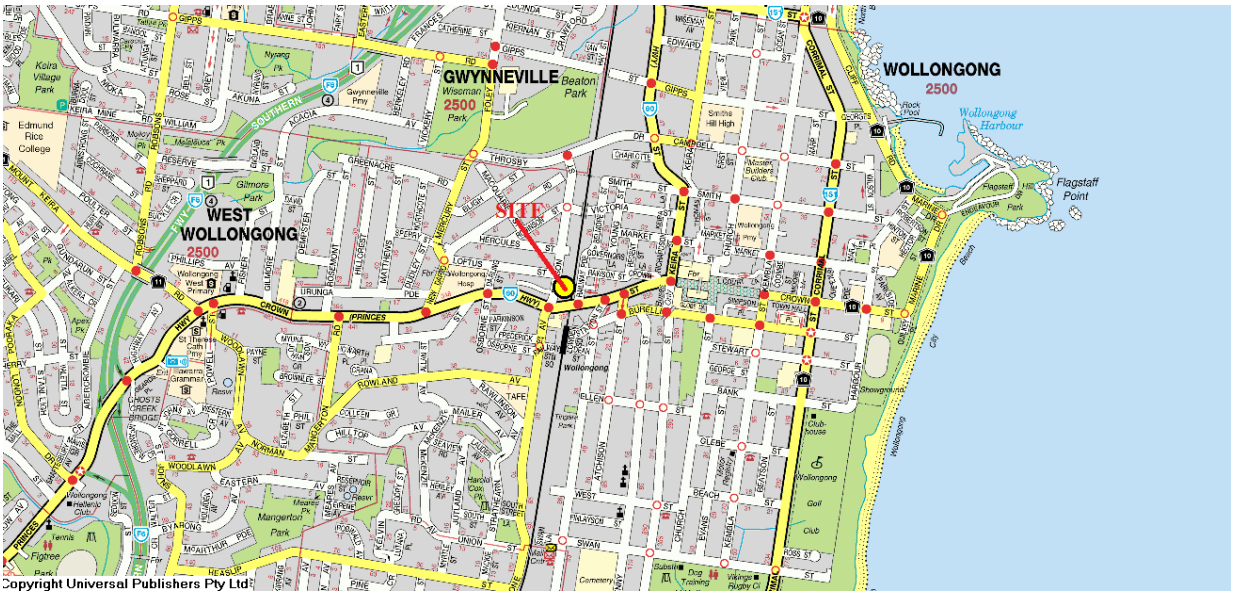


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Figure 4 – Aerial Photo

Source: © DEPARTMENT OF LANDS SIX Portal www.lands.nsw.gov.au

3 CLAUSE 4.6 VARIATION

Clause 4.6 of the LEP outlines the matters to be considered by Council where a proposal seeks to vary a numerical standard contained within the LEP. The subject development seeks to vary the building separation standard currently contained within ***clause 8.6*** of the LEP and therefore an assessment under clause 4.6 is required.

Under ***Clause 8.6 (2) & (3)*** of the LEP minimum separation distances are required between adjoining buildings in the ***B3*** and ***B4*** zones, where those buildings contain residential components. The proposed building has been designed to comply with the building separation requirements of the Apartment Design Guide (ADG), which forms part of State Environmental Planning Policy (SEPP) 65. The SEPP is a higher order Environmental Planning Instrument (EPI) and thus takes precedence.

Clause 8.6 relevantly states in part as follows:

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

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

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

(a) there is no separation between neighbouring buildings up to the street frontage height of the relevant building or up to 24 metres above ground level whichever is the lesser, and

(b) there is a distance of at least 12 metres from any other building above the street frontage height and less than 45 metres above ground level, and

(c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

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

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

(b) 16 metres from any other part of any other building…….

The proposal seeks to set back from its side boundaries as per the requirements of the ADG. In achieving the ADG standards for building separation, the proposal ensures that any future buildings on neighbouring sites, that also achieve those standards, will maintain visual and oral privacy and solar access to both sites.

4. THE TERMS OF CLAUSE 4.6

Development consent may still be granted to the proposed development (despite the non-compliance with the maximum height and FSR) if variations to the relevant controls are approved under clause 4.6 of the LEP. Clause 4.6 states as follows:

4.6 Exceptions to development standards

(1)The objectives of this clause are as follows:

(a)to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b)to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2)Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. ...

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

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

(b)that there are ***sufficient environmental planning grounds to justify contravening the development standard****.*

(4)Development consent must not be granted for development that contravenes a development standard unless:

(a)the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is ***consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,*** *and*

(b) the concurrence of the Secretary has been obtained.

(5)In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence. …

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3). ***(some bold added)*** *…*

This document provides a written request from the applicant seeking to justify the contravention of the Building Height standard in accordance with clause 4.6.

Clause 4.6 continues to be an appropriate and frequently applied mechanism to ensure that planning rules have appropriate levels of flexibility, when the circumstances warrant it. Some recent examples of the application of Clause 4.6 by the Land and Environment Court are as follows:

- In *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386 the Land and Environment Court approved a residential flat building in Randwick with a 55 per cent variation of the height limit (at its highest point) and a 20 per cent exceedance of the floor space ratio control.

The Court was satisfied that the clause 4.6 request by the applicant's town planner was comprehensive and had addressed all of the prerequisites. The Court was also persuaded that the site was 'unusual in terms of its location at the low point of the locality, its proximity to larger RFBs that would not comply with the building height development standard and its flood affectation'. Those features, when taken together with other benefits of the proposal such as its design excellence and internal amenity, provided sufficient environmental planning grounds to justify approval via clause 4.6.

- In *Moskovich v Waverley Council* [2016] NSWLEC 1015 the Land and Environment Court approved a residential flat building in Bondi with a floor space ratio of 1.5:1. The development standard was 0.9:1. The exceedence was around 65 per cent. The Court's decision set out a detailed analysis of the decision of the Court in *Four2Five v Ashfield Council,* which concluded that the large numerical exceedance of the FSR control could be supported.

- In *Baker Kavanagh Architects v Sydney City Council* [2014] NSWLEC 1003 the Court granted a development consent for a three-storey shop top housing development in Woolloomooloo. In this decision, the Court, approved a floor space ratio variation of 187 per cent.

5 ENVIRONMENTAL PLANNING GROUNDS

There are sufficient environmental planning grounds to justify contravening the building separation standard contained in ***Clause 8.6*** of the ***LEP***.

The development in the main meets the objectives and controls of the relevant Environmental Planning Instruments and DCP. It acknowledges the site's location by maintaining a zero lot line on the southern boundary up to and including level 5. This achieves the LEP desire of a street wall and provides opportunities to the adjoining sites (facing Crown Street) to develop similarly in the future

On the northern boundary, the ground floor also maintains a zero lot line, with the exception of the driveway area, as sight lines are required for vehicles entering and exiting the property, to ensure pedestrian safety. From level 1 upwards the building steps back from the boundary by

an initial 6m increasing to 9m at the upper levels. If equally matched by any future redevelopment, both buildings will attain the required ADG separations.

Clause 8.6 (2)(a) requires that ***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…*** However, this would deny residential uses along this northern side boundary up to 24m, seriously restricting the use of the site and denying solar access to that façade.

The proposal achieves the requirements of ***Clause 8.6 (2)(b),*** while ***Clause 8.6 (2)(c)*** is not applicable to the proposal, as its top height is less than 45m

Clause ***8.6 (3)(a)*** and ***(b)*** require the following:

> ***(3) Despite subclause (2), if a building contains a dwelling, all habitable parts of the dwelling including any balcony must not be less than:***
> ***(a) 20 metres from any habitable part of a dwelling contained in any other building, and***
> ***(b) 16 metres from any other part of any other building.***

At the proposed heights of the building those separations are greater the those contained in the ADG and are not necessary to achieve optimum privacy and solar access. From that perspective there is no purpose or gain in setting the building further back from its boundaries, just to meet a numerical standard. As the SEPP and ADG are applicable across the State, the standards contained therin are widely accepted and considered to lead to quality design outcomes and future residential amenity.

A better planning outcome can also be considered in terms of the potential impact of the proposal from the reduced side setbacks on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its built form, the need for mixed - use development in the locality, the design parameters of the relevant DCP and the long term potential for similar developments on adjoining properties. These matters are discussed within the Statement of Environmental Effects submitted with the DA, with the proposal performing well in regard thereto.

It may be suggested in certain submissions that all of the above benefits could be achieved by a smaller compliant development. However, achieving the greater side setbacks would necessitate a reduction in the footprint of a number of the levels within the proposed building, which would impact on the viability of the project to a level not commensurate with the minor nature of the proposed variation. The increased building separation would also not improve amenity within the site and in fact if applied to the lower levels on the northern side would reduce amenity through the loss of the aspect, northern outlook, views and solar advantage.

In the circumstances of this proposal a better outcome is also achieved by varying the relevant height standard through:

- The re invigoration of an older commercial site with a new vibrant modern building, that although marginally less in building separation, respects its surroundings and reduces its impact on potential future adjoining redevelopments.

- The achievement of widely accepted and mandated standards, designed to ensure quality design outcomes and acceptable levels of privacy and solar access between adjoining developments.

- The provision of a development that maximises the opportunity for people to work within the community where they live and therefore reduce the impact on both private and public transport services.

In this context if the varied building separations are not approved:

- The orderly and economic use of the land (as promoted by the objects of the EP&A Act, 1979) would be suboptimal; and

- The site's capacity to provide increased commercial and residential variety and opportunities within the locality would be not be fully utilised.

Furthermore, no significant adverse impacts arise from the non-compliance with the LEP standards and therefore compliance would be merely for the sake of numerical accuracy. The re would be no improvement in any amenity measures.

These facts, taken together, constitute environmental planning grounds sufficient to justify contravening the development standard.

6 CONSISTENCY WITH THE STANDARD & ZONE OBJECTIVES

The proposed development will be in the public interest because it is consistent with the objectives of both the LEP Building Separation standard and relevant land use zone. The reasons why are set out below.

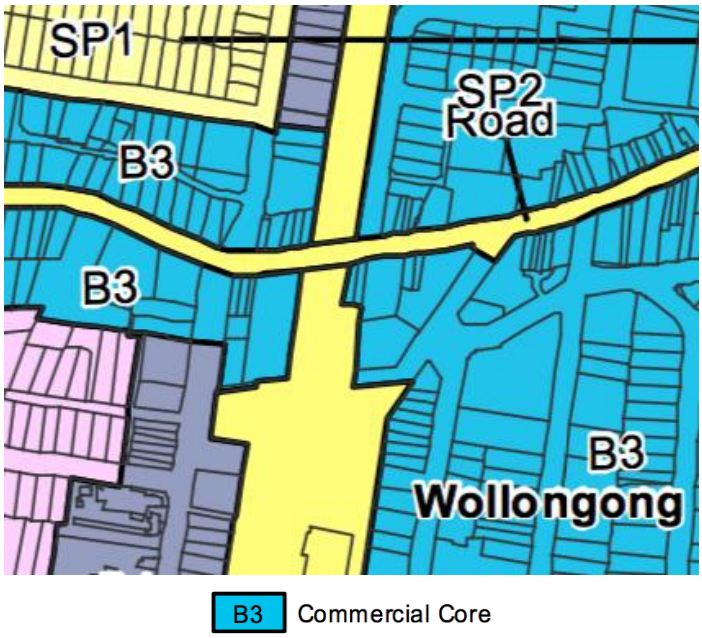
Clause 8.6 of the LEP contains a single objective indicating the purpose of the building separation control. The objective is listed and below together with comments on the proposal's performance against it.

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

Comment: The current proposal will achieve all of these aims in that it complies with the widely accepted separations under the ***ADG***, which forms part of ***SEPP 65***. Additionally the setbacks from the northern boundary provide improved outlook, views, aspect and solar penetration to those units. The additional setback space propose within ***Clause 8.6,*** would not result in any increase or improvement in these conditions, nor are they diminished in the current scheme.

The LEP zones the subject site ***B3 Commercial Core*** (see ***figure 5*** on the following page***)*** with the proposed mixed – use development permissible with Council's development consent as ***"Shop top housing".***

Figure 5 – Zoning Map



Source: Wollongong LEP 2009 – Zoning Map

The Land Use table in the LEP sets out the zone objectives and permissible uses and is of general relevance to the proposal in that it is in compliance with that clause. 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 satisfies these objectives in a number of aspects:

- The provision of commercial / retail space in tenancies of differing shapes and sizes, that promote occupation by a diverse mix of activities and services. The majority of the street frontage is activated and accessible, despite variations in levels.

- The development incorporates modern residential accommodation within a higher density form, providing additional clients / customers for the commercial centre in which it is located.

- The modern style and use of quality materials and colours will result in an enhanced streetscape in Denison Street.

- A variety of dwelling sizes and layouts are proposed, which increase housing choice and opportunity to reside in the area at a reasonable price.

- The site's location within the City Centre and its proximity to the railway station will promote an increased use of public transport and promote walking & cycling.

7 COMPLIANCE UNREASONABLE OR UNNECESSARY

Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. There are two primary reasons why this is so.

Firstly, there are no adverse consequences attributable to the proposed non-compliant aspect of the development. To ensure absolute compliance with the building separation standard would necessitate the removal of part of most floors within the proposed building with the loss of a number of units.

The burden placed on the landowner via such a requirement would be disproportionate to any adverse consequences attributable to the proposed non-compliant development (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 [15]).

Secondly, requiring compliance for the sake of numerical satisfaction would not result in any improvement in ***visual appearance, privacy and solar access,*** which are the matters sought to be achieved within ***Clause 8.6*** itself.

In view of all of the above, compliance with the numerical LEP standard for building separation is considered to be unreasonable and unnecessary in the circumstances. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings and will fit within the desired future character of the area as envisaged in the relevant planning framework. The proposed development represents a good fit with the aims of the LEP, the objectives of both the height standard and relevant zone.

Approval of the reduced building separation allows for a development that provides added community benefit and an improved planning outcome, from both a functional precinct layout perspective and transport outcome. The proposal development will continue to contribute to the improved overall supply of commercial / retail spaces and housing stock in the area, bettering both housing choice and affordability.

8 CONCURRENCE OF THE SECRETARY

In accordance with the recent Planning Circular (PS 18 – 003) dated 21 February, 2018 the concurrence of the Secretary (of Department of Planning and Environment) can now be assumed for the proposed height variation.

9 CONCLUSION

An assessment undertaken against the relevant planning framework indicates that the proposal is an acceptable one. It will not impact negatively on the amenity of nearby residents. The variation to the building height standard contained within the LEP is a matter that any reasonable Authority properly exercising its planning powers could agree to.

David Furlong - Director

BTP, MPIA

Wollongong Design Review Panel 5 March 2019
Meeting minutes and recommendations DA-2018/473

Date	5 March 2019
Meeting location	Wollongong City Council Administration Offices
Panel members	Tony Quinn
	Sue Hobley
	Karla Castellanos
Apologies	
Council staff	Rebecca Welsh – City Centre & Major Development Manager (Acting) Theresa Whittaker - Senior Development Project Officer
Guests/ representatives of the applicant	Eddy Haddad – Level 33 George O'Donovan – Level 33 David Furlong – Urban Plan Services
Declarations of Interest	Nil
Item number	1
DA number	DA-2018/473
Determination pathway	Clause 28 SEPP65, Clause 7.18 WLEP 2009
Property address	49-51Denison Street Wollongong
Proposal	Commercial - Demolition of existing buildings and construction of 9 storey mixed use building containing two car park basements, three ground floor commercial / retail spaces, and 84 residential units above with a roof terrace
Applicant or applicant's representative address to the design review panel	The applicant commenced with a summary of design changes in response to the previous DRP comments from 14 November 2018.
Background	The application was previously inspected and reviewed by the panel on 14 November 2017(pre-lodgement) under DE-2017/159 and on 12 June and 14 November 2018 (post lodgement) under DA-2018/473
Design quality principals SEPP65	
Context and Neighbourhood Character	With close proximity to the city centre the Panel acknowledges the evolving character of this area as permitted by planning controls. Notwithstanding, the proposal must still relate to its context as indicated in previous meetings. This is the fourth time that the panel has reviewed this proposal. The panel notes that the Applicant has made a number of positive changes, especially with regards to the interface with the public domain on the ground level facing Denison Street. However, there are still concerns with the north and south elevations that were discussed by the panel as the building can be viewed from all sides (refer to notes below).
Built Form and Scale	It is noted that floorspace has increased from the previous proposal revealing an FSR of 3.591:1. As requested from 12 June & 14th November meetings the southern elevation needs an improved façade presentation. This still requires development as there's still too much blank wall. The overall composition lacks harmony and delight and over relies on colour variation to overcome an over reliance on a single material choice. It was suggested elements such as blades, a variation of high-quality materials in addition to colour be used to break it up. However, the addition of these elements needs to be guided by

	an overarching concept to achieve a harmonious composition that also relates well to the rest of the elevations. Regarding the northern elevation: this has gone backwards as the vertical element of the previous scheme has disappeared leaving a largely volumetric and monotonous facade. Again, strategically placed materials, colour and fenestrations that break the homogeneous and planar nature of this façade (into at least an identifiable vertical corner element closer to Denison Street) could provide the solution. It was also queried regarding the slot shown on level 6 and why it hadn't been continued down the building on the western (street front) elevation. It is strongly recommended that this be reinstated in order to further break the front elevation into smaller façade elements. It is noted that Sydney Trains setback issue still requires resolution. The issue of the street-front height controls has not yet been addressed as previously requested. Council officers confirmed that balconies protruding into the setback zone are not acceptable.
Density	As noted above, the Applicant has increased the floorspace where previously it was expected, from issues raised, that it would be reduced. Notes from 14th November '18 meeting indicated that issues raised would result in further reduction from the proposal submitted. The substantive matter is that the proposal's inability to resolve fundamental issues of amenity, separation distances and quality of internal layouts as well as perception of bulk and scale is symptomatic of overdevelopment. The onus is on the Applicant to demonstrate that the proposed level of development and density are suitable for the site area and that it is capable of achieving design excellence.
Sustainability	ADG solar compliance referencing Objective 4A-1 still needs proving up as drawing DA511D indicates all of Level 8 complies. However, the 2 south facing apartments rely on skylights to meet its provision and this does not comply with the ADG guidelines, where skylights are meant to be secondary sources of daylight only. This becomes a significant issue with regards to the maximum number of south facing units allowed. It is the panel's opinion that the proposal does not adhere to the maximum 15% allowed. Clarification is required on units U6.8 & 7.8 (Levels 6 & 7), which are shown as having no solar access and yet face west, with some sun access. Cross ventilation appears to be achieved and could be increased with the introduction of highlight windows in the bedroom 3 of U1.6 and above. No other sustainability issues were discussed.
Landscape	As noted above, the treatment of the interface with Denison Street is now well-resolved. The panel raised concerns about the proposed treatment of the southern roof area at level 1. Unfortunately, the best solution (to make this area available for use by the residents) is not an option unless the building is further setback from the southern boundary.

	The current plans show a door providing access the area. It should be for maintenance access only, with restricted access arrangements put in place and included in the management plan for the development. The request by Council's Heritage Officer that the roof over the carpark entrance be vegetated was discussed. The applicant argued that the constraints on access to it for maintenance make this unreasonable. The Panel is of the opinion that safe access for maintenance could be provided by employing a carabina-type roof access safety system and accessed off the driveway with a scissor hoist. Other access options may also be feasible The benefits of providing a green roof warrant its inclusion in the landscape plan.
Amenity	Solar Access to units U1.1 to U1.3 inclusive needs proving up under clause 4A by showing a section in accordance with Appendix 5 of the ADG. It is noted that balconies facing the rail corridor have now been treated with screens. The issues of the northern and southern flat podium roofs and the amenity of neighbors and unit dwellers were discussed. It is the panels' opinion that these areas should be made accessible to the units immediately adjacent to contribute to their recreational opportunities and amenity. It is understood that the space to the south would encroach into the separation distance with the adjacent office building (see notes under Landscape). However, in the opinion of the panel, this could be a good compromise as the former RFDC (image 01.62), suggested that "where buildings step back in response to building separation, the building separation for the floor below applies to encourage habitable outdoor terraces". Whilst this principle has not translated directly into the ADG to avoid the inadvertent support of ziggurat forms, the principle of encouraging habitable outdoor terraces is still positive. There are a number of unit layouts that lack flexibility for furniture layout and show constrained internal areas. These include: 1. Units U1.6 (level 1) and all similarly located units above for levels 2-3: kitchen configuration is impractical. 2. Unit 4.9 (Level 4) and all similarly located unit above on level 5: pinch point between the kitchen and the living room precludes an open plan configuration. 3. A number of units present the entry to the unit directly adjacent to the kitchen without a sense of separation or a foyer e.g. U6.10-U6.4 (level 4) and similarly located units above on Levels 5-8. We strongly recommend that an alternative entry sequence be explored.
Safety	No further safety issues were raised with regards to the waste management issues between the residential component and the commercial shops at ground level. It is understood that Shop 2 now has rear loading. If the pebble roof over the driveway was provided with a softer landscape treatment, safe access for maintenance would need to be provided (as discussed under Landscape).
Housing Diversity and Social Interaction	The mix has been changed with now 40 x 1 bed, 40 x 2 bed and 3 x 3 bed. While only 1 studio apartment is being provided, the concern still remains the low level of 3-Beroom apartments.

	Earlier reports have highlighted the need for a market report to substantiate the Applicant's claims that other 3-Bed units in the locality remain vacant.
Aesthetics	Further development of the building exterior has been discussed above, in particular, the southern elevation as requested on the 14th November report. The northern elevation still requires work to mitigate the overly long and continuous nature of the elevation as raised under Bulk Form.
Design Excellence WLEP2009	
Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	As discussed above the building's northern and southern elevations still require further resolution.
Whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	While the proposed amendments to the ground level interface with Denison Street have been substantially improved and are considered to have the capacity to improve the amenity of the public domain, concern still exists over the level of contribution that the elevations will be able to make as every elevation will be highly visible form the surrounding public domain. The front elevation still lacks a well-defined street wall height due to the introduction of balconies above. The north elevation requires a mitigation of its overall continuous appearance and the southern elevation requires a higher degree of design excellence to mitigate its rather defensive appearance and overreliance on colour and render finishes to create interest.
Whether the proposed development detrimentally impacts on view corridors,	No view affectation is evident.
Whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,	N/A
How the development addresses the following:	
the suitability of the land for development,	The proposal complies with B3 zoning uses.
existing and proposed uses and use mix	This has been addressed.
heritage issues and streetscape constraints,	No other heritage issues.
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The previous issue of relationship to the adjacent office building at the street frontage has now been addressed. However, a comprehensive discussion was held with regards to the proposal's lack of compliance with the ADG separation distances on the upper levels of the southern elevation due to the fact that according to the ADG, "office windows and balconies" should be considered as "habitable space". Therefore, these relationships still need to comply with ADG guidelines.
bulk, massing and modulation of buildings	Discussed above; further development required.

street frontage heights	Requires compliance as discussed above.
environmental impacts such as sustainable design, overshadowing, wind and reflectivity	Refer to notes above regarding solar access and cross ventilation.
the achievement of the principles of ecologically sustainable development	While not discussed it should form part of any DA submission.
pedestrian, cycle, vehicular and service access, circulation and requirements	This has been addressed in the drawings.
impact on, and any proposed improvements to, the public domain	This has been addressed.
Key issues, further Comments & Recommendations	Throughout this DRP process improvements have been made to the development. The following summarizes the key issues still to be addressed: -Street front height controls/setbacks -Sydney rail setback confirmation required - Solar access compliance -Landscaping to flat roofs above podium and garage access -Elevation treatment/modulation

Attachment 4B – DRP Chair review of Plans, dated 18 April 2019

Dear Theresa,
I have reviewed the updated DA drawings for the above dated 1/04/2019 Revision E from the applicants.
The main issues noted from the 5th March 2019 DRP were as follows:
- Street front height controls/setbacks
-Sydney Rail setback confirmation required
-Solar Access compliance
-Landscaping to flat roofs above podium and garage access
-Elevation treatment/modulation
The setback controls to the street front now comply.
The Sydney Rail setback issue still requires confirmation.
Solar Access issues have been confirmed as complying.
Landscaping has now been provided to the two flat roofs.
The elevations/facades have now greatly improved.
Their composition now has better harmony and they have been better modulated to address the issue of bulk.
The southern elevation has now been articulated with more windows reducing the concern of too much blank wall.
I believe the applicant has now addressed the issues raised.
Yours Faithfully,
Tony Quinn
Registered Architect NSW 4452

Attachment 5 - Apartment Design Guide Assessment

Standards/controls	*Comment*	*Compliance*
Part 1 – Identifying the context		
1A Apartment building types	The proposal is a shoptop housing development that does not specifically reflect any of the apartment building type examples provided in the ADG.	
1B Local character and context This guideline outlines how to define the setting and scale of a development, and involves consideration of the desired future character, common settings and the range of scales.	The strategic local character and future desired character of the site is set by Wollongong LEP 2009 (B3 Commercial Core and Clause 8.1 Objectives for development in Wollongong City Centre), Wollongong DCP 2009 (Chapter D13 Wollongong City Centre) Both LEP and DCP clauses are assessed in detail at **Sections 2.1.5** and **2.3.1** of the assessment report.	
1C Precincts and individual sites		Yes
Individual sites: New development on individual sites within an established area should carefully respond to neighbouring development, and also address the desired future character at the neighbourhood and street scales. Planning and design considerations for managing this include:		
- Site amalgamation where appropriate	The site comprises 1 large allotment; no consolidation proposed or required.	
- Corner site and sites with multiple frontages can be more efficient than sites with single frontages	The development is not expected to have an impact on the development potential of the adjacent sites.	
- Ensure the development potential for adjacent sites is retained	The site is located with the City Centre precinct and well located with regard to the public transport and areas of high amenity.	
- Avoid isolated sites that are unable to realise the development potential.		
Part 2 – Developing the controls		N/A
These guidelines include tools to support the strategic planning process when preparing planning controls, and aren't relevant to the development assessment of individual proposals.	Strategic planning tool intent noted.	

Standards/controls	*Comment*	*Compliance*
Part 3 Siting the development		
3A Site analysis		
Site analysis uses the following key elements to demonstrate that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context: - Site location plan - Aerial photograph - Local context plan - Site context and survey plan - Streetscape elevations and sections - Analysis A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.	Site analysis plans provided with the DA material.	Yes
3B Orientation		Yes
Buildings must be oriented to maximise norther orientation, response to desired character, promote amenity for the occupant and adjoining properties, retain trees and open spaces and respond to contextual constraints such as overshadowing and noise. *Objective 3B-1:* *Building types and layouts respond to the streetscape and site while optimising solar access within the development* Design Guidance - Buildings should define the street by facing it and providing direct access.	Building faces the street and units are oriented towards the west, east and north to take advantage of outlook and available views to the escarpment and coast. The development offers opportunities for casual surveillance of the street and public domain. Most units and the COS appear to enjoy good solar access. The entrances are reasonably legible and the development provides for good activation of the frontage along with ready access into the building from the adjoining footpath. The scale of the building responds to the desired future character sought to be achieved in the precinct as defined by the planning controls (floor space ratio, height, and building setbacks). The strategic local character and future desired character of the site is set by Wollongong LEP 2009 (B3 zone, Clause 8.1 Objectives for development in Wollongong City Centre) and Chapter D13 of Wollongong DCP 2009 (Wollongong City Centre). Both LEP and	

Standards/controls	*Comment*	*Compliance*
	DCP clauses are assessed in detail in the assessment report. Council's Landscape Architect has assessed the application and has provided a satisfactory referral.	
Objective 3B-2 *Overshadowing of neighbouring properties is minimised during mid- winter* Design Guidance - Overshadowing should be minimised to the south or down hill by increased upper level setbacks - Refer sections 3D & 4A below for solar access requirements - A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings	The shadow diagrams indicate some overshadowing of the adjoining sites however there are no neighbouring residential buildings which will be affected by the development.	
3C Public domain interface Key components to consider when designing the interface include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting. The design of these elements can influence the real or perceived safety and security of residents, opportunities for social interaction and the identity of the development when viewed from the public domain *Objective 3C-1:* *Transition between private and public domain is achieved without compromising safety and security* Design Guidance - Terraces, balconies and courtyards should have direct street entry, where appropriate - Changes in level between private terraces etc above street level provide surveillance and improved visual privacy for ground level dwellings. - Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m. - Opportunities should be provided casual interaction between residents and the public domain eg seating at building	Ground floor retail entries and terrace have direct street entry. Changes in level/ transitions between the footpath and site are reasonably well handled Street frontage treatment provided is acceptable to the DRP as discussed throughout the report. Residential balconies and ground level retail spaces face the street frontage, providing some opportunities for natural surveillance.	Yes

Standards/controls	*Comment*	*Compliance*
entries, near letterboxes etc *Objective 3C-2:* *Amenity of the public domain is retained and enhanced* Design Guidance - Planting softens the edges of any raised terraces to the street (eg basement podium) - Mailboxes should be located in lobbies perpendicular to street alignment or integrated into front fences. - Garbage storage areas, substations, pump rooms and other service requirements should be located in basement car parks. - Durable, graffiti resistant materials should be used - Where development adjoins public parks or open space the design should address this interface.	The amenity of the public domain will not be compromised by the development. Significant street tree will be maintained, public domain improvements are proposed and required by consent conditions. Garbage storage areas, mail boxes, fire services and the like are to be generally accommodated within the building in a manner which will not detract from its design quality. Mailboxes located adjacent to the primary residential entry. Materials proposed are acceptable.	
3D Communal and public open space *Objective 3D-1* *An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping* Design Criteria 1. Communal open space has a minimum area of 25% of the site area 2. 50% direct sunlight provided to principal usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June Design Guidance - Communal open space should be consolidated into a well designed, usable area. - Minimum dimension of 3m - Should be co-located with deep soil areas - Direct & equitable access required - Where not possible at ground floor it should be located at podium or roof	The communal open space is located on the building rooftop; area approx. 553m² which is compliant. Communal open space accessible for residents via the lift only. The communal open space areas will receive sufficient sunlight between 9am and 3pm as required. Some shade will be offered to sections of the COS via structures. The communal open space area achieves the minimum area required for the site and satisfies the required dimension requirements. The design provides for usable areas. The COS will have equitable access via lift	Yes

Standards/controls	*Comment*	*Compliance*
level. *Objective3D-2* *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting* Design guidance - Facilities to be provided in communal open spaces for a range of age groups, and may incorporate seating, barbeque areas, play equipment, swimming pools	Provision made for a casual seating, kitchen, outdoor dining, children's' play area within the COS area.	
Objective 3D-3 *Communal open space is designed to maximise safety* Design guidance - Communal open space should be visible from habitable rooms and POS areas and should be well lit.	The COS will only be available to the building occupants, therefore is secure.	
3E Deep soil zones *Objective 3E-1* *3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.* Design Criteria: 1. Deep soil zones are to meet the following minimum requirements: Design guidance: - Deep soil zones should be located to retain existing significant trees.	Some DSZ proposed, most of which occurs within the tree protection zone of the street tree at the Denison Street frontage which is to be retained. 150sqm of DSZ is proposed overall which represents 7% of the site area however not all of the DSZ satisfies the minimum width requirement. This is not of concern as generally there is no DSZ provided in the B3 zone.	Yes

Site area	Minimum dimensions	Deep soil zone (% of site area)
less than 650m²	-	7%
650m² - 1,500m²	3m	
greater than 1,500m²	6m	
greater than 1,500m² with significant existing tree cover	6m	

3F Visual privacy

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.

Design Criteria:

1. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

No separation is required between blank walls

South (side)

- Ground - commercial
- L1: 4.5m to blank wall at south-western corner (4.5m required); 6m to habitable rooms (6m required) and **2.3m to edge of terrace (6m required).** It is noted that the DRP recommended that this previously un-trafficable roof be utilised for additional private open space for the adjacent units as it was considered that this would improve the amenity of those units without compromising amenity of either the future occupants or the neighbouring developments to the south. The plans provide for a landscape bed along the edge of the terraces as well as a fence which will preclude overlooking and achieve compliance with the objectives of 3F despite the non-compliance.
- L2 and L3: 6m (6m required).
- L4, L5, L6, L7 – 9m (9m required).
- L8 – 12m (12m required)

North (side)

- Ground - 0m to car park entry
- L1 – L3: 6m to edge of balconies (6m required)
- L4 – L7 - 9m to balconies/ habitable rooms (9m required)
- L8 – 12m setback (12m required).

East (rear)

- Ground – L8 – 0.8m setback to rail corridor. There is no adjacent rear building and therefore it is considered that 3F does not have any effect in this direction.

No, only in relation to L1 terrace areas on the southern side of the building

Objective 3F-2:

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space
 	
Design Guidance
 	
- Communal open space, common areas and access paths should be separated from private open space and windows to apartments. Design solutions include:
  • Setbacks,
  • Solid or partly solid balustrades to balconies
  • Fencing or vegetation to separate spaces
  • Screening devices
  • Raising apartments/private open space above the public domain
  • Planter boxes incorporated into walls and balustrades to increase visual separation
  • Pergolas or shading devices to limit overlooking
  • Only on constrained sites where it's demonstrated that building layout opportunities are limited – fixed louvres or screen panels
- Windows should be offset from the windows of adjoining buildings
	Landscape planter beds and fencing proposed to the edge of the terraces on L1 will assist in securing the privacy of those spaces from the adjacent commercial development to the south.
	
	No other screening required for privacy reasons as the setbacks to the building generally comply with the ADG.	

3G Pedestrian access and entries *Objective 3G-1* *Building entries and pedestrian access connects to and addresses the public domain* Design Guidance - Multiple entries should be provided to activate the street edge. - Buildings entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries. *Objective 3G-2* *Access, entries and pathways are accessible and easy to identify* Design Guidance - Building access areas should be clearly visible from the public domain and communal spaces	Multiples entries proposed to frontage for retail spaces and residential entry. Entries are readily identifiable on the street frontage. Ground floor level is accessible from the street frontage. Lift and stair access is provided to all dwellings from the basement and ground floor level. Access	Yes

- Steps and ramps should be integrated into the overall building and landscape design.	points are visible.	
Objective 3G-3 *Large sites provide pedestrian links for access to streets and connection to destinations*	No through-site link required.	
3H Vehicle access		Yes
Objective 3H-1 *Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes*		
Design Guidance		
- Car park entries should be located behind the building line - Access point locations should avoid headlight glare to habitable rooms - Garbage collection, loading and service areas should be screened - Vehicle and pedestrian access should be clearly separated to improve safety. - Where possible, vehicle access points should not dominate the streetscape and be limited to the minimum width possible.	Proposed car park entry is behind the building line. Headlight glare is not expected to be an issue. Proposed driveway location removed from the nearest intersection. Garbage storage within the basement with bins to be collected from within the site via the proposed loading dock. Vehicle and pedestrian access are separated. Roller shutters proposed within the building. Driveway and vehicular entry width is acceptable.	
3J Bicycle and car parking		Yes
Objective 3J-2 *Parking and facilities are provided for other modes of transport*	Sufficient car, motorcycle and bicycle parking provided. Parking to be provided at ground floor and within the basement car park.	
Design Guidance		
- Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters - Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.		
Objective 3J-3 *Car park design and access is safe and secure*		
Design Guidance		
- Supporting facilities within car parks (garbage rooms, storage areas, car wash bays) can be accessed without	Supporting facilities generally adequately located. Basement layout is generally appropriate	

crossing parking spaces - A clearly defined and visible lobby or waiting area should be provided to lifts and stairs. - Permeable roller doors allow for natural ventilation and improve the safety of car parking areas by enabling passive surveillance.	with regard to safety and security. Roller shutter proposed within the basement. If approved, it is recommended that proposed any roller shutters be permeable to improve ventilation. Mechanical ventilation of basement proposed.	
<u>*Objective 3J-4*</u> *Visual and environmental impact of underground car parking are minimised* <u>Design Guidance</u> - Excavation should be minimised through efficient carpark layouts and ramp design. - Protrusion of carparks should not exceed 1.0m above ground level. - Natural ventilation should be provided to basement and sub-basement car parking areas. - Ventilation grills or screening devices should be integrated into the façade and landscape design.	Visual impact of car park is acceptable	
<u>*Objective 3J-5*</u> *Visual and environmental impact of on-grade car parking are minimised* <u>Design Guidance</u> - On-grade car parking should be avoided; - Where unavoidable, the following design solutions should be used – parking is located on the side or rear of the lot away from the primary street frontage - Cars are screened from view of streets, buildings, communal and private open space areas - Safe and direct access to building entry points is provided - Parking is incorporated into the landscaping design of the site - Stormwater run-off is appropriately managed - Light coloured paving materials or permeable paving systems are used and shade trees are planted to reduce increased surface temperatures from large areas of paving	On-grade parking is proposed within the building, to the rear of the ground floor retail spaces. Car parking provision complies with applicable controls	

Part 4 – Designing the building - Amenity		
4A Solar and daylight access		Yes
Objective 4A-1		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
Design Criteria		
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9am and 3pm in mid-winter in Wollongong LGA.	The plans indicate that 73.8% of the units can achieve appropriate solar access (living rooms and private open spaces receive a minimum of 2 hours sunlight between 9am-3pm mid-Winter.)	
1. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter	15% of the units will receive no direct sunlight which is acceptable	
Objective 4A-2		
Daylight access is maximised where sunlight is limited	Sunlight is not limited in this instance. Skylights are used in some south-facing units to improve solar access	
Design Guidance		
- Courtyards, skylights and high level windows (sill heights of 1500m or greater) are used only as secondary light sources in habitable rooms		
Objective 4A-3		
Design incorporates shading and glare control, particularly for warmer months	Design incorporates some shading elements on the western façade to improve thermal comfort and control glare.	
Design Guidance		
Design features can include:		
- Balconies		
- Shading devices or planting		
- Operable shading		
- High performance glass that minimises external glare		
4B Natural ventilation		Yes
Objective 4B-1		
All habitable rooms are naturally ventilated.	51 of the 84 units (60.7%) have been designed to achieve cross ventilation.	
Objective 4B-2		
The layout and design of single aspect apartments maximises natural ventilation		
Design Guidance		
- Single aspect apartments should use design solutions to maximise natural ventilation.	The single-aspect units will receive sufficient ventilation.	

Objective 4B-3 *The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents* Design Criteria: 1. 60% of apartments are naturally cross ventilated in the first nine storeys 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	60.7% (51 of the 84 units proposed) are naturally cross-ventilated	
4C Ceiling heights *Objective 4C-1* *Ceiling height achieves sufficient natural ventilation and daylight access* Design Criteria 1. Minimum 2.7m for habitable rooms and 2.4m for non-habitable rooms *Objective 4C-2* *Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms* *Objective 4C-3* *Ceiling height contribute to the flexibility of building use over the life of the building* Design Guidance - Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.	Minimum ceiling height of 2.7m proposed to habitable (all) rooms.	Yes
4D Apartment size and layout *Objective 4D-1* *The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity* Design Criteria: 1. Minimum internal areas: 2 bed – 70m^2 3 bed – 90m^2 The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal areas by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum	Apartment size and layout is generally functional. The internal layout of a number of units has been improved from that originally proposed, at the recommendation of the DRP. All units achieve compliance with the minimum internal areas specified. All habitable rooms have adequate	

internal by 12m^2. 2. Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room	windows.	
<u>*Objective 4D-2*</u> *Environmental performance of the apartment is maximised* <u>Design Criteria:</u> 1. Habitable room depths are limited to a maximum of 2.5 x ceiling height 2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Habitable room depths comply.	
<u>Design Guidance:</u> - Greater than the minimum ceiling heights can allow proportionate increases in room depths. - Where possible, bathrooms and laundries should have an external openable window. - Main living spaces should be oriented towards the primary outlook.	2.7m ceiling heights proposed. Most units within the proposal are designed with bathrooms and laundries without external opening windows to allow habitable rooms to achieve access to external windows. Main living areas are oriented towards the primary outlook.	
<u>*Objective 4D-3*</u> *Apartment layouts are designed to accommodate a variety of household activities and needs* <u>Design Criteria:</u> 1. Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excl wardrobe space) 2. Bedrooms have minimum dimension of 3m (excl wardrobe) 3. Living rooms have minimum width of: - 3.6m for studio and 1 bed apartments and - 4m for 2+ beds. 4. The width of the crossover or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Good apartment mix proposed so as to provide accommodation for a range of household types Bedroom and living room dimensions are adequate.	
<u>Design Guidance:</u> - Access to bedrooms, bathrooms and laundries is separated from living areas - Minimum 1.5m length for bedroom wardrobes - Main bedroom apartment: minimum		

1.8m long x 0.6m deep x 2.1m high wardrobe - Apartment layouts allow for flexibility over time, including furniture removal, spaces for a range of activities and privacy levels within the apartments.		
4E Private open space and balconies		Yes
Objective 4E-1 *Apartments provide appropriately sized private open space and balconies to enhance residential amenity*	All balconies achieve compliance with the minimum requirements	
1. Minimum balcony depths are: The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
2. Ground level apartment POS must have minimum area of 15m^2 and min. depth of 3m	No ground floor level apartments are proposed.	
Objective 4E-2 *Primary private open space and balconies are appropriately located to enhance liveability for residents*	POS of all units are located adjoining and accessible from living/dining areas.	
Design Guidance - Primary private open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space. - POS & Balconies should be oriented with the longer side facing outwards to optimise daylight access into adjacent rooms.	Adequate solar access appears to be available to the private open space areas.	
Objective 4E-3 *Primary private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building*		
Design Guidance - A combination of solid and transparent materials balances the need for privacy with surveillance of the public domain - Full width glass balustrades alone are not desirable	Balconies designed to articulate the façade. Glass balustrades are proposed though in places there are landscape planter boxes proposed adjacent to private open space areas to improve amenity and preclude visual privacy loss.	

Dwelling type	Minimum area	Minimum depth
Studio apartments	4m^2	-
1 bedroom apartments	8m^2	2m
2 bedroom apartments	10m^2	2m
3+ bedroom apartments	12m^2	2.4m

- Operable screens etc are used to control sunlight and wind, and provide increased privacy for occupancy while allowing for storage and external clothes drying.	Some operable screens are proposed on the northern and western side of the building to balconies to manage glare and heat gain	
<u>*Objective 4E-4*</u> *Private open space and balcony design maximises safety* <u>Design Guidance</u> - Changes in ground levels or landscaping are minimised.	No concerns are raised in regards to safety of the balcony areas.	
<u>4F Common circulation and spaces</u> <u>*Objective 4F-1*</u> *Common circulation spaces achieve good amenity and properly service the number of apartments.* <u>Design Criteria</u> 1. The maximum number of apartments off a circulation core on a single level is eight 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. <u>Design Guidance</u> - Long corridors greater than 12m in length should be articulated through the use of windows or seating. - Primary living rooms or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces should be controlled. <u>*Objective 4F-2*</u> *Common circulation spaces promote safety and provide for social interaction between residents* <u>Design Guidance:</u> - Incidental spaces can be used to provide seating opportunities for residents, and promotes opportunities for social interaction.	The circulation strategy proposed is satisfactory. 2 lifts will service the building; up to 11 units on each floor. This is acceptable. There will be access to natural light available and partly openable windows. Unit entries are appropriately located with regard to circulation spaces. No concerns are raised with regard to visual or acoustic privacy impacts from internal lobby areas. Foyer width is adequate. There may be some opportunities for social interaction on the ground floor within the lobby and outdoor spaces. Common circulation areas are proposed to be well lit with natural light.	Yes
<u>4G Storage</u> <u>*Objective 4G-1*</u> *Adequate, well designed storage is provided in each apartment*		Yes

1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided | Dwelling type	Storage size volume | |---|---| | Studio apartments | 4m³ | | 1 bedroom apartments | 6m³ | | 2 bedroom apartments | 8m³ | | 3+ bedroom apartments | 10m³ | At least 50% of the required storage is to be located within the apartment *Objective 4G-2* *Additional storage is conveniently located, accessible and nominated for individual apartments* Design Guidance: - Storage not located within apartments should be allocated to specific apartments.	Sufficient storage proposed to be provided in the basement and within cupboards internal to the units. Individual storage lockers are proposed within the basement levels. Additional storage also provided for internal to units. Overall quantum of storage provision is compliant. It is recommended that a condition be imposed to ensure apartment dedication occurs to the residential storage lockers.	
4H Acoustic privacy *Objective 4H-1* *Noise transfer is minimised through the siting of buildings and building layout* Design Guidance - Adequate building separation is required (see also section 3F above). - Noisy areas within buildings should be located next to or above each other and quieter areas next to or above quieter areas. - Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources. - Noise sources such as garage doors, plant rooms, active communal open spaces and circulation areas should be located at least 3m away from bedrooms. *Objective 4H-2* *Noise impacts are mitigated within apartments through layout and acoustic treatments* Design Guidance - In addition to mindful siting and orientation of the building, acoustic seals and double or triple glazing are effective methods to further reduce noise transmission.	Sufficient building separation proposed to side boundaries. The main source of external noise intrusion is from the rail corridor to the immediate rear of the site. The applicant has provided an acoustic report which makes recommendations to ensure the acoustic amenity of residential units. Acoustic seals will be required along with noise attenuation within units. Internal layout provides for appropriate internal acoustic amenity within individual units. The majority of each floor has matching room types to the rooms below / above and adjoining.	Yes

4J Noise and pollution *Objective 4J-1* *In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings* Design Guidance - Minimise impacts through design solutions such as physical separation from the noise or pollution source, *Objective 4J-2* *Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission* Design guidance: - Design solutions include limiting openings to noise sources & providing seals to prevent noise transfer.	There are multiple sources of external noise intrusion including the rail corridor on the eastern side of the site. As detailed above, the applicant has provided an acoustic report which makes recommendations to ensure the acoustic amenity of residential units. Conditions are recommended to ensure the implementation of these recommendations.	Yes
Part 4 – Designing the building - Configuration		
4K Apartment mix *Objective 4K-1* *A range of apartment types and sizes is provided to cater for different household types now and into the future* Design guidance - 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 - Flexible apartment configurations are provided to support diverse household types and stages of life *Objective 4K-2* *The apartment mix is distributed to suitable locations within the building* 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	Unit mix variation sought, only 2 x 3 bedroom units are proposed which is less than the 10% of the overall unit mix required by Wollongong DCP 2009. The variation is discussed within the body of the report and is supported. A number of adaptable and livable units are proposed. Larger units are proposed on Level 8 where there is improved access to views available.	**No**, variation sought
4L Ground floor apartments	No ground floor apartments	N/A

4M Facades *Objective 4M-1* *Building facades provide visual interest along the street while respecting the character of the local area* 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. *Objective 4M-2* *Building functions are expressed by the facade* Design guidance - Building entries should be clearly defined	Refer to lengthy discussion around this issue in the body of the report and the DRP notes. The façade composition is significantly improved on that originally presented for assessment and is now supported by the DRP and Council officers. The design clearly identifies a base, middle and top; there is a mixture of materials and colours proposed; services are generally integrated within the overall facade; the scale is in proportion and is appropriate for the streetscape and contributes to the public domain. Building functions are expressed by façade. Building entry is readily defined.	Yes
4N Roof design *Objective 4N-1* *Roof treatments are integrated into the building design and positively respond to street* Design guidance - Roof design should use materials and a pitched form complementary to the building and adjacent buildings. *Objective 4N-2* *Opportunities to use roof space for residential accommodation and open space are maximised* Design guidance - Habitable roof space should be	Roof is occupied by COS. Roof top services are indicated on the plans. Roof top services are not well integrated into the roof design however these elements are setback from the edge of the roof and should not be readily visible from the public domain or nearby buildings. Conditions are recommended in relation to other rooftop structures like antennae, mechanical ventilation shafts/ducts and the like.	

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 *Objective 4N-3* *Roof design incorporates sustainability features* Design guidance - Roof design maximises solar access to apartments during winter and provides shade during summer		
4O Landscape design *Objective 4O-1* *Landscape design is viable and sustainable* Design guidance - Landscape design should be environmentally sustainable and can enhance environmental performance - Ongoing maintenance plans should be prepared *Objective 4O-2* *Landscape design contributes to the streetscape and amenity* Design guidance - Landscape design responds to the existing site conditions including: • changes of levels • views • significant landscape features	Landscape design is satisfactory; satisfies relevant provisions and is satisfactory to Council's Landscape Section.	Yes
4P Planting on Structures *Objective 4P-1* *Appropriate soil profiles are provided* Design guidance - Structures are reinforced for additional saturated soil weight - Minimum soil standards for plant sizes should be provided in accordance with Table 5 *Objective 4P-2* *Plant growth is optimised with appropriate selection and maintenance* Design guidance - Plants are suited to site conditions	Council's Landscape Officer has reviewed the proposal and the submitted Landscape Plan and has provided a satisfactory referral. Some planting on structure proposed. Conditions are recommended to ensure any planting on structure is sustainable and well maintained.	Yes

Objective 4P-3 *Planting on structures contributes to the quality and amenity of communal and public open spaces* Design guidance - Building design incorporates opportunities for planting on structures. Design solutions may include: • 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		
4Q Universal design *Objective 4Q-1* *Universal design features are included in apartment design to promote flexible housing for all community members* Design guidance - A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures *Objective 4Q-2* *A variety of apartments with adaptable designs are provided* Design guidance - Adaptable housing should be provided in accordance with the relevant council policy *Objective 4Q-3* *Apartment layouts are flexible and accommodate a range of lifestyle needs* Design guidance - Apartment design incorporates flexible design solutions	9 adaptable units are proposed in a mixture of configurations/ unit types. Applicant has provided an access consultant report verifying that the adaptable units can achieve compliance with the relevant Australian Standard. The applicant's access report indicates that in addition to the adaptable units provided, 10 units are capable of providing compliance with the features of Silver level of Livable Housing Guidelines.	Yes
4S Mixed use *Objective 4S-1* *Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement*		Yes

Design guidance - Mixed use development should be concentrated around public transport and centres - Mixed use developments positively contribute to the public domain. *Objective 4S-2* *Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents* Design guidance - Residential circulation areas should be clearly defined. - Landscaped communal open space should be provided at podium or roof levels		
4T Awnings and signage *Objective 4T-1* *Awnings are well located and complement and integrate with the building design* Design guidance - Awnings should be located along streets with high pedestrian activity and active frontages *Objective 4T-2* *Signage responds to the context and desired streetscape character* Design guidance - Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development	Awning proposed over part of the street frontage as required by Chapter D13 of Wollongong DCP 2009. The awning design is considered to be reasonable subject to conditions being imposed to ensure compliance with relevant requirements. No signage is proposed in this application and separate consent will be required for any future signage if not exempt.	Yes with conditions
Part 4 – Designing the building - Configuration		
4U Energy efficiency *Objective 4U-1* *Development incorporates passive environmental design* Design guidance - Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access) *Objective 4U-2* *Development incorporates passive solar*	The applicant has obtained a BASIX certificate which confirms that the proposed development will achieve the required energy efficiency and thermal comfort targets of the SEPP. Adequate natural light will be provided to all habitable rooms. Further addressed above at 4A. Heat gain for west facing balconies has been addressed via the provision of	Yes

design to optimise heat storage in winter and reduce heat transfer in summer Design Guidance - Provision of consolidated heating and cooling infrastructure should be located in a centralised location *Objective 4U-3* *Adequate natural ventilation minimises the need for mechanical ventilation*	some shading elements; this should improve thermal comfort and provide some glare control. Cross ventilation requirements are complied with. Plant room located within the basement. Refer to discussion above at 4B in relation to natural ventilation.	
4V Water management and conservation *Objective 4V-1* *Potable water use is minimised* *Objective 4V-2* *Urban stormwater is treated on site before being discharged to receiving waters* Design guidance - Water sensitive urban design systems are designed by a suitably qualified professional *Objective 4V-3* *Flood management systems are integrated into site design* Design guidance - Detention tanks should be located under paved areas, driveways or in basement car parks	The applicant has obtained a BASIX certificate which confirms that the proposed development will meet the NSW Government requirements for sustainability if built in accordance with the commitments set out in the certificate. This relates to both energy and water efficiency (4U and 4V). The stormwater design is satisfactory; no flood mitigation required as the site is not flood affected.	Yes
4W Waste management *Objective 4W-1* *Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents* Design guidance - Common waste and recycling areas should be screened from view and well ventilated *Objective 4W-2* *Domestic waste is minimised by providing safe and convenient source separation and recycling*	The applicant proposes waste storage within the basement. On-site collection is proposed which is required in the city centre. The applicant has provided sufficient information to demonstrate that waste can be successfully managed by a private contractor.	Yes

Design guidance - Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core - For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses - Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas	Waste will be transported to the garbage room via chutes. Separate waste storage rooms are proposed for the residential and commercial components of the building with on-site collection proposed for all waste. Bulky waste room proposed within basement.	
4X Building maintenance *Objective 4X-1* *Building design detail provides protection from weathering* Design guidance - Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used. *Objective 4X-2* *Systems and access enable ease of maintenance* Design guidance - Window design enables cleaning from the inside of the Building *Objective 4X-3* *Material selection reduces ongoing maintenance costs easily cleaned surfaces that are graffiti resistant*	Finishes and materials are considered to be durable for the location. Not all windows can be accessed from balconies or terraces for ease of cleaning.	Yes

Attachment 6 - Wollongong Development Control Plan (DCP) 2009 Assessment

CHAPTER D13 – WOLLONGONG CITY CENTRE

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

2 Building form

Objectives/controls	*Comment*	*Compliance*
2.1 General		
2.2 Building to street alignment and street setbacks		
• 0m setback to street frontage height • 4m setback above street frontage height • Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible	0m setback to Denison St with some increased setbacks in places to accommodate the street tree. 4m minimum setback above street frontage height	Yes
2.3 Street frontage heights in commercial core		Yes
Street front height of between 12m and 24m is required	The proposed street frontage height is 6 storeys which is 19.4m in height at the southern boundary extending up to 20.8m at the northern extent of the podium abutting the street frontage. There is a setback above street frontage height as required by Clause 2.2.	
2.4 Building depth and bulk • 900m² maximum floor plate above 24m in height • Maximum 18m building depth above 24m in height	The depth of the building measured across the shortest axis, being north-south, exceeds 18m for that part of the building above street frontage height (24m). This is in part a direct result of the size and width of the allotment which allows a wider building to be achieved with compliant ADG setbacks and compliant FSR. The height limit is 32m. If the height limit were greater, a taller slimmer building form could be accommodated. Despite the wider form, the building is generally satisfactory with regard to internal amenity, solar access, cross ventilation, building setbacks and built form/ massing. As noted within the body of the report, the proposal as revised is acceptable to the DRP.	**No** but considered satisfactory

Objectives/controls	*Comment*	*Compliance*
2.5 Side and rear building setbacks and building separation *Up to street frontage height* – 0m to side and rear *Between street frontage height and 45m* - 12m to side and rear	Ground level – A zero setback is proposed to the northern and southern boundaries; this is consistent with the requirement that there be no separation up to street frontage height There are residential units within the podium (ie below street frontage height) which are setback a minimum distance of 6m to the northern boundary (as is required by the ADG) 4.5m at the southern corner of the building (to non-habitable/ blank wall on Level 1) and 6m to the remainder as required by the ADG. Above Level 1, all setbacks are compliant with the ADG which prevails in this instance. The setbacks are considered acceptable with regard to the ADG which takes precedence as discussed in the body of the assessment report. It is noted that the rear setback is 0.8m. The site does not abut a residential or other commercial property to its rear and accordingly a greater setback is not required for reasons of building separation. The rail corridor occurs at the rear of the site and, as illustrated by the aerial photographs at Attachment 1, there is some distance between the rear boundary of the site and the rail line itself. The building has been designed to achieve compliance with the internal acoustic amenity requirements of SEPP (Infrastructure) and is satisfactory to Sydney Trains. The variation in respect of the rear setback is considered to be acceptable.	**No**, variation discussed in the body of the report
2.6 Mixed used buildings 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 3.6 metres for active public uses, such as retail and restaurants in the B3	Complies with all requirements	Yes

Objectives/controls	*Comment*	*Compliance*
Commercial Core zone. c) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook. d) Locate clearly demarcated residential entries directly from the public street. e) Clearly separate and distinguish commercial and residential entries and vertical circulation. f) Provide security access controls to all entrances into private areas, including car parks and internal courtyards. g) Provide safe pedestrian routes through the site, where required. h) Front buildings onto major streets with active uses. i) Avoid the use of blank building walls at the ground level. j) For mixed use buildings that include food and drink premises, the location of kitchen ventilation systems shall be indicated on plans and situated to avoid amenity impacts to residents.		
<u>2.7 Deep soil zone (DSZ)</u>		Yes
• For residential components in mixed use developments in the Commercial Core the amount of deep soil zone may be reduced commensurate with the extent of non-residential uses. Where non-residential components result in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.8 and 2.9. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.	Substantial landscaping is provided on structure in addition to some areas of deep soil zone planting which total 150sqm.	
<u>2.8 Landscape design</u>		Yes
	Landscape plan provided which provides for planting on the roof terraces, exposed rooftops and within areas of deep soil zone planting around the existing street tree. Council's Landscape Officer has reviewed the proposed podium planting and has provided a satisfactory referral.	
<u>2.9 Green roofs, green walls and planting on structures</u>		
	Planting on structure proposed. Some details provided on the	Yes with conditions

Objectives/controls	*Comment*	*Compliance*
	landscape plan. Most details can be conditioned if consent were granted.	
2.10 Sun access planes	The proposal will not cast shadows on any areas subject to the sun access planes	Yes
2.11 Development on classified roads	N/A	N/A

3 Pedestrian amenity

Objectives/controls	*Comment*	*Compliance*
3.1 General		
3.2 Permeability	No identified site links affect the site.	N/A
3.3 Active street frontages		Yes
• Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front. Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. Active office uses, such as reception, if visible from the street.	Development provides reasonable activation of the Denison Street frontage. Ground floor contains commercial uses with glazed facades. The primary entries are well defined. The plans now provide for an appropriate transition into the site from the public footpath	
• In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level. • Active street fronts are required along streets for all buildings in the Commercial Core • Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	The west-facing balconies and habitable room windows overlook and address Denison Street., providing for some passive surveillance of the street in addition to that provided from the ground floor retail spaces. Retail spaces 2 and 3 are accessible directly from the street; Retail space 1 is accessed via a ramp from the street and is setback behind the street tree (noting a TPZ is required to be provided around that tree to ensure its long term health).	
3.4 Safety and security		
• Ensure that the building design allows for casual surveillance of accessways, entries and driveways.	Surveillance will be available from balconies and residential living areas and retail spaces to the street frontage.	Yes

• Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks. • Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. • Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance. • Provide clear lines of sight and well-lit routes throughout the development. • Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. • For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles. • Provide security access controls where appropriate. • Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone.	Design responds appropriately to CPTED principles; refer to Chapter E2 assessment. Entries are visually prominent and readily identifiable; pathways are reasonably legible. Consent conditions are recommended with regard to lighting of communal areas and the street frontage. Access controls are to be employed to ensure the security of the residential units.	
<u>3.5 Awnings</u>	Awning proposed which satisfies applicable controls, with conditions	Yes with conditions
<u>3.6 Vehicular footpath crossings</u> • 1 vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) 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.	Single access point proposed; driveway width is satisfactory. Shutter will be fitted behind the building façade as required. Conditions are recommended for imposition in regards to the finish of the vehicle entry	Yes with conditions
<u>3.7 Pedestrian overpasses, underpasses and encroachments</u>	N/A	N/A
<u>3.8 Building exteriors</u> • Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment	The development reflects the desired future character for the locality as outlined in the applicable planning	Yes

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 'selfcleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. • Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. ▪ To assist articulation and visual interest, avoid expanses of any single material. ▪ Limit opaque or blank walls for ground floor uses to 30% of the street frontage. ▪ 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.	controls. There have been numerous changes to the form and finish of the development inclusive of changes to building materials, to ensure consistency with some significant streetscape elements, notably the adjoining Southern Pathology building to the immediate north of the site. The proposal as amended is now satisfactory to the DRP; refer to discussion within the body of the report and DRP notes attached. Balconies are provided to all units; overlooking/ surveillance of the street will be available. Internal privacy of units will be acceptable A colour & material schedule has been provided. Finishes and colours proposed are generally reasonable. Conditions are recommended limiting material reflectivity. The lift overrun will not be concealed within the roof however is setback well from the edges of the building and will not be readily apparent in most views	
<u>3.9 Advertising and signage</u>	No signage proposed	N/A
<u>3.10 Views and view corridors</u> • 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 site is located within the nominated distant panoramic view corridor identified in Figure 3.12 of the DCP.	Yes

	The scale and bulk of the building measured in terms of height, FSR and building setbacks is consistent with applicable controls and on this basis is considered to be acceptable with regard to obstruction of this distant view corridor.	

4 Access, parking and servicing

Objectives/controls	*Comment*	*Compliance*
4.1 General 4.2 Pedestrian access and mobility • 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.	Pedestrian access is available from the street frontage to the retail and residential entries. Car parking for the adaptable units is provided within the basement car parking levels, with access throughout the building available via the lifts. The finish of pedestrian pathways and the like can be dealt with by consent conditions if the development were to be approved.	Yes
4.3 Vehicular driveways and manoeuvring areas • Driveways should be: 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.	Driveway width, placement and alignment is satisfactory. Vehicular access and manoeuvring is acceptable; compliance with AS2890.1 is achieved.	Yes

• Vehicle access is to be designed to: i) Minimise the impact on the street, site layout and the building façade design; and ii) If located off a primary street frontage, integrated into the building design. • 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.		
<u>4.4 On-site parking</u>		
▪ On-site parking must meet the relevant Australian Standard • 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 Part E of this DCP. • To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking.	Basement parking provided. Sufficient car parking, motorcycle and bicycle parking is provided; refer to discussion in relation to Chapter E3. Council's Traffic Engineer has provided a satisfactory referral.	Yes
<u>4.5 Site facilities and services</u>		
Utility Services	The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development. The development provides for a substation; the development is acceptable to Endeavour Energy subject to conditions being imposed in regards to substation design and the like. Conditions of consent in regards to these matters are contained in those	Yes

	listed at Attachment 7.	
Mail boxes – provide in an accessible location adjacent to the main entrance; integrated into a wall where possible and be constructed of materials consistent with the appearance of the building. Letterboxes to be secure and of sufficient size	Fire control room, pump room etc. located in basement; enclosed within building.	Yes
Communication structures, air conditioners and service vents - locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.	A bank of letter boxes is provided adjacent to the lobby. Conditions can be imposed to ensure these meet the requirements of the DCP.	
Waste storage and collection	Provision has been made for waste storage rooms within the basement. On-site collection is proposed which is suitable and preferred in this location.	Yes
Service docks and loading/unloading areas • Provide adequate space within any new development for the loading and unloading of service/delivery vehicles. • Preferably locate service access off rear lanes, side streets or rights of way. • Screen all service doors and loading docks from street frontages and from active overlooking from existing developments. • Design circulation and access in accordance with AS2890.1.	Loading dock provided as required. Waste management and servicing arrangements are acceptable to Council's Traffic Engineer	Yes

5 Environmental management

Objectives/controls	*Comment*	*Compliance*
5.2 Energy efficiency and conservation	BASIX certificates submitted indicate the BASIX targets are satisfied by the residential units. Compliant cross-ventilation and solar access will improve energy efficiency.	Yes
5.3 Water conservation	BASIX certificates submitted indicate the BASIX targets are satisfied by the residential units	Yes
5.4 Reflectivity	Condition are recommended in regards to material reflectivity	Yes with conditions
5.5 Wind mitigation	A wind impact statement was not required.	N/A
5.6 Waste and recycling	Waste management arrangements are satisfactory.	Yes

6 Residential development standards

Refer to SEPP 65 and ADG assessment.

Objectives/controls	*Comment*	*Compliance*
6.2 Housing choice and mix • Min 10% studio/ 1 BR units and 10% 3 BR units • Min 10% (2 dwellings) must be adaptable • Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.	4 x Studio 36 x 1 bed 42 x 2 bed 2 x 3 bed 9 adaptable and 10 livable dwellings provided and appropriate carparking provided to support the adaptable units	**No**, Insufficient 3BR units proposed – variation sought as discussed within the body of the report
6.6 Basement Car parks		Yes
• The scale and siting of the basement car park must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements.	Acceptable.	
• The roof any of basement podium, measured to the top of any solid wall located on the podium must not be greater than 1.2 metres above natural or finished ground level.	Complies	
• The visual impact of all basement walls must be minimised through the use of various design techniques including well-proportioned ground level articulation and relief, mixed finished and materials, terracing and/or dense landscaping.	Complies	
• Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms and private open space areas. Ventilation grills must be integrated into the design of the façade of the building to minimise their visual impact. • The visual impact of all basement walls must be minimised through the use of various design techniques including well proportioned ground level articulation and relief, mixed finishes and materials, terracing and/or dense landscaping.	Basement ventilation is adequate	

7 Planning controls for special areas

The site is not located within a special area.

8 Works in the public domain

Planting of street trees and provision of footpath paving is required in compliance with the requirements of the Public Domain Technical Manual.

CHAPTER A2: ECOLOGICALLY SUSTAINABLE DEVELOPMENT

It is noted that development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP and are discussed in part above in relation to the ADG.

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

- The building achieves the minimum cross ventilation and solar access requirements.
- A Site Waste Management and Minimisation Plan has been provided indicating appropriate management and disposal of any demolition and excavated materials.
- The proposal will not have an unreasonable impact on any heritage items or environmentally sensitive areas.
- The proposal is an efficient use of land in a location that is close to employment, retail/service areas and public open space.
- The development was supported by BASIX certificates which demonstrate that the BASIX thermal comfort, and water and energy efficiency targets will be met.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

An accessibility report has been provided with the DA which indicates that the development can achieve compliance with the BCA and AS 4299 Adaptable Housing provisions.

The development provides car parking with suitable dimensions to service the adaptable dwellings and commercial spaces in compliance with AS4299 (1995) and AS 2890.6 (2009).

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

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

The development complies with the provisions within of Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management. Sufficient car, motorcycle and bicycle parking is proposed to service the development and the vehicular access and manoeuvring arrangements proposed are acceptable. Council's Traffic Engineer has advised that the revised plans are satisfactory with regard to the requirements of Chapter E3.

The waste management arrangements proposed are satisfactory; refer to Chapter E7 discussion below.

CHAPTER E6: LANDSCAPING

A landscape plan was provided with the development application which has been reviewed by Council's Landscape Officer and as part of the DRP's review of the development. The landscaping plan is acceptable and provides for landscaping of the main roof terrace, exposed rooftop areas and deep soil zone planting which predominantly occurs at the front of the site near to the large street tree which is to be retained in the proposed scheme.

Conditions of consent are recommended for imposition; these are included in those listed at **Attachment 7**.

CHAPTER E7: WASTE MANAGEMENT

A Waste Management Plan specific to the demolition, construction and operational phases of the development has been provided as required.

In relation to ongoing waste management arrangements, the plans indicate that satisfactory waste management arrangements in compliance with Clause 9 and Schedule 1 of Chapter E3 and Chapter E7: Waste Management, can be achieved at the site. Bins will be stored within the building and will be collected via the proposed loading zone.

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 E12: GEOTECHNICAL ASSESSMENT

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

CHAPTER E14: STORMWATER MANAGEMENT

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

CHAPTER E17: TREE PRESERVATION

The application was accompanied by an arborist report in relation to the two existing trees on the site, including the existing street tree which is to be retained. The arborist report makes a number of recommendations in regards to tree protection during construction and the like to ensure the health and vigour of the tree is maintained. The proposal has been considered by Council's Landscape Officer with regard to proposed landscaping and retention of existing trees and has recommended consent conditions.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavation to facilitate the construction of the development. 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. The development application was accompanied by a detailed site investigation and RAP. The site will be remediated and validated prior to construction of the development.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

A site waste minimisation and management plan has been submitted in accordance with Chapter E7 (Waste Management) of Wollongong DCP 2009.

In addition, a Demolition Plan has been lodged with the application as required by Chapter E21 (Demolition and Hazardous Building Materials Management) of Wollongong DCP 2009. If required, a hazardous materials survey may be required to be provided in relation to the existing structures to be demolished; this could be dealt with by consent conditions if the application is approved.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

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

Attachment 7 - Recommended Consent Conditions

The development application has been determined by granting deferred commencement consent subject to the following conditions:

(i) **The Development Consent shall not operate until Council has been satisfied as to the following matters:**

a) **Sydney Trains Requirement**

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA Standards (https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards):

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed development with respect to any Sydney Trains easement and rail corridor land.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
6. If required by Sydney Trains, a Monitoring Plan.
7. Blowout Report and details of a continuous rigid barrier designed in accordance with clause B.5.3.4 of the SMS-06-GD-0268 Working Around Electrical Equipment Guide.
8. Details on compliance with the collision protection provisions of AS5100 - Bridge Design as outlined in ASA Standard T HR CL 12080 as the structure/supports are positioned within 20m from the centreline of the railway track.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

(ii) The information specified in Condition (a) must be received and must satisfactorily address the above matters (to Sydney Trains' satisfaction) within 24 months of the date of this consent. Evidence of Sydney Trains' satisfaction of the above requirements shall be provided to Council within 24 months of the date of this consent.

(iii) If compliance with the matters contained in conditions (a) and (b) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

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Once Council is satisfied that the matters contained in deferred commencement condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

Approved Plans and Specifications

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

DA003 F prepared by Level 33 Architectural Division dated 24 April 2019
DA008 F prepared by Level 33 Architectural Division dated 24 April 2019
DA050 F prepared by Level 33 Architectural Division dated 24 April 2019
DA051 F prepared by Level 33 Architectural Division dated 24 April 2019
DA200 F prepared by Level 33 Architectural Division dated 24 April 2019
DA201 F prepared by Level 33 Architectural Division dated 24 April 2019
DA202 F prepared by Level 33 Architectural Division dated 24 April 2019
DA203 F prepared by Level 33 Architectural Division dated 24 April 2019
DA204 F prepared by Level 33 Architectural Division dated 24 April 2019
DA205 F prepared by Level 33 Architectural Division dated 24 April 2019
DA206 F prepared by Level 33 Architectural Division dated 24 April 2019
DA207 F prepared by Level 33 Architectural Division dated 24 April 2019
DA208 G prepared by Level 33 Architectural Division dated 10 May 2019
DA209 F prepared by Level 33 Architectural Division dated 24 April 2019
DA210 F prepared by Level 33 Architectural Division dated 24 April 2019
DA212 F prepared by Level 33 Architectural Division dated 24 April 2019
DA216 F prepared by Level 33 Architectural Division dated 24 April 2019
DA221 F prepared by Level 33 Architectural Division dated 24 April 2019
DA222 G prepared by Level 33 Architectural Division dated 10 May 2019
DA223 F prepared by Level 33 Architectural Division dated 24 April 2019
DA224 G prepared by Level 33 Architectural Division dated 10 May 2019

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

General Matters

2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.

3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within two (2) days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

4 **Access to Premises Standards**
Access for people with disabilities must be provided as required by and in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standards) and AS1428.1.

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5 **Disability Discrimination Act 1992**

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

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

6 **Maintenance of Access to Adjoining Properties**

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

7 **Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

8 **Geotechnical**

a A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.

b The adjoining property No.45-47 Denison Street (Southern IML Pathology) provides critical medical services requiring specialist analysers sensitive to vibration, noise and dust. The dilapidation report for this property is to determine maximum tolerable limits for vibration, noise and dust such that medical analysis operations are not impeded by the construction.

c No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

d Hard bedrock where encountered will be difficult to excavate. Excavation methods need to minimise vibration, noise and dust to ensure compliance with Geotechnical Condition (b).

e An exceedance of vibration, noise or dust limits will generate a HOLD POINT on construction until advice is received from the geotechnical consultant which addresses the non-conformance generating the hold construction.

f All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.

g Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.

h All work is to be in accordance with the geotechnical recommendations contained in the report dated 12 July 2017 by EI Australia and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

i An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.

j All recommendations of the geotechnical consultant in their geotechnical report dated 12 July 2017 are to be accommodated in the earthworks plan.

k The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.

l All earthworks including drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision as defined in Australian Standard AS3798

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Guidelines for Earthworks for Commercial and Residential Developments. This supervision is to include vibration, noise and dust monitoring for compliance to Geotechnical Condition 2. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.

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

9 **Adaptable Units**

The nominated adaptable units within the development must be designed and constructed so as to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure visitability is achieved. Level access is required to be provided between the internal living space and balcony of the adaptable units and sufficient circulation space is required throughout.

10 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

11 **Separate Consent for Retail Spaces**

Unless otherwise exempt, separate development consent shall be obtained for the use of the commercial/retail spaces within the building.

12 **Separate Consent Required for Advertising Signage**

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

13 **Restricted Vegetation Removal**

This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.

14 **Occupation Certificate**

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

15 **Stormwater Quality Management**

The stormwater treatment system must be designed to achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%. The developer and/or future strata manager shall ensure that the stormwater filtration system is maintained in good working order to achieve these stormwater quality objectives in perpetuity.

16 **Sydney Trains Requirement**

Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.

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Prior to the Issue of the Construction Certificate

17 **Demolition Plan**

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed demolition work plan prepared by a suitably qualified person shall be submitted to and approved by Council. The plan shall be prepared in accordance with Australian Standard AS 2601- 2001 – The Demolition of Structures, and shall include the following details:

- Identification of any hazardous materials,
- the proposed method and timing of demolition works;
- the expected duration of the demolition works;
- an outline of the machinery and equipment to be employed to undertake the demolition works;
- precautions to be employed to minimise any dust nuisance and;
- the disposal methods for hazardous materials.

A Construction Certificate shall not be released by the Principal Certifying Authority and no demolition works shall commence until such time as Council's written approval has been obtained for the demolition plan. The approved demolition plan shall be complied with at times.

18 **Construction Management Plan**

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed Construction Management Plan (CMP) prepared by a suitably qualified person in consultation with adjoining land owners shall be submitted to and approved by Council. The construction management plan shall include (but not be limited to) the following details:

- plan of proposed construction storage area;
- parking for construction workers during the demolition and construction phases;
- the type of materials/plant/ equipment to be transported to and stored at the site and how is it to be transported and stored;
- timing of delivery of materials;
- the proposed access points to the site during construction;
- treatment of barricading/ hoarding for construction/and restricting access;
- address all environmental aspects of the development's demolition and construction phases including soil and water management/erosion and sediment control plan; noise and vibration management plan; dust suppression/dust management plan; waste management plan and litter control;
- construction noise mitigation measures;
- timing of waste collection during construction;
- monitoring of compliance with the proposed mitigation measure and corrective actions; and
- arrangements for continuity of access to Southern IML pathology and other local businesses.

A community engagement plan be prepared and incorporated into the Construction Management Plan, including regular updates and contact numbers for complaints and consultation for schedule of works.

A Construction Certificate shall not be released by the Principal Certifying Authority and no works shall commence until such time as Council's written approval has been obtained for the construction management plan. The approved construction management plan shall be complied with at times.

19 **Construction Environmental Management Plan**

Prior to the commencement of work, a construction environmental management plan shall be provided to the PCA. The plan shall address as minimum the vehicle traffic, odour and vapour, dust, plant and machinery noise, water and sediment management, surface water, subsurface seepage and accumulated excavation water, sediment from equipment and cleaning operations, site security, working hours, contact information, incident response and contingency management.

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Additionally, submit an excavated soil material disposal plan to the PCA, with the batching, sampling and analysis procedures as per the DECCW (2009) Waste Classification Guidelines. The plan shall be prepared by a suitably qualified and experienced consultant. A copy of the plan shall be forwarded to Council.

The Construction Environmental Management Plan shall be implemented at all times during the course of demolition and construction.

20 **Site Validation Report**

A Validation Report (Stage IV) shall be submitted to Council prior to the commencement of building works. The Validation Report shall verify that:

a the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and

b the site is suitable for the proposed development.

The Validation Report must be prepared by a suitably qualified contaminated land consultant who is a member and is certified under one of the following certification schemes:

- the Site Contamination Practitioners Australia (SCPA);
- the Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP);
- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC); or
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM).

The Validation Report is to be issued by the certified contaminated land consultant directly to Council. No third party submissions will be accepted.

21 **Section 73 Compliance Certificate**

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

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

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

22 **Present Plans to Sydney Water**

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

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

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

23 **Endeavour Energy Requirements**

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

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

24 **Substation Design**
Documentary evidence must be provided to Council of Endeavour Energy's approval of the design plans for the construction and installation of a chamber style substation within the proposed building. The substation shall be designed in accordance with Endeavour Energy's requirements and standards for access, security, drainage, ventilation and fire rating.

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

26 **Utility Services**
Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

27 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate.

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

29 **Dilapidation Report Prior to Construction**
A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate. The report shall also identify the condition of all Council assets in the vicinity of the proposed works.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

30 **Groundwater Management Plan**
Prior to the release of the Construction Certificate, a groundwater management plan must be prepared. The plan must be prepared by a qualified and experienced geotechnical engineer, and must include (but not limited to):

a The necessary requirements to manage infiltration of groundwater into the basement excavation. This includes infiltration, storage, testing and pump-out requirements during construction. Water Quality targets for pump-out must be specified and be in-accordance with relevant guidelines.
b The necessary design requirements to ensure the structural and hydraulic design of the building considers long term groundwater impacts and management requirements.
c The mitigation requirements of groundwater drawdown to ensure no impacts on adjoining properties and adjacent public infrastructure as a result of potential groundwater draw down and associated settlement.

This information must be to the satisfaction of the Principal Certifying Authority.

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31 **Awnings**
Awnings erected over the street frontages of the site shall comply with the specifications contained within Clause 3.5 Awnings of Chapter D13 (Wollongong City Centre) of Wollongong Development Control Plan 2009.

32 **External Finishes**
The building shall be constructed and finished in accordance with the approved schedule of finishing materials and colours except where amended by conditions of this consent. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

34 Pedestrian access ways, entry paths, arcades and lobbies must be constructed with durable materials commensurate with the standard of the adjoining public domain with appropriate slip resistant materials, tactile surfaces and contrasting colours.

35 **Finish of Vehicular Entries**
Vehicular entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No ducts or pipes are to be visible from the street.

36 **Placement of Air Conditioning Units**
Air conditioning systems are to not to be located where they are visible from the public streets abutting the site. Plans submitted to the Principal Certifying Authority prior to issue of the Construction Certificate are to identify any external components of air conditioning systems to ensure they meet the requirements of this condition.

37 **Integration of Rooftop Structures in Approved Building Envelope**
All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.

38 **Mechanical Ventilation of the Car park**
The car park shall be mechanically ventilated, to be ducted to the roof. Details demonstrating compliance shall be provided with the Construction Certificate.

39 **Permeable Garage Shutter**
Any shutters provided within the basement car parks shall be permeable so as to improve basement ventilation, as per the requirements of 3J-4 of the Apartment Design Guide.

40 **External Lighting**
Any lighting of external areas within the development such as the communal open space areas, driveways and car parking entries, shall be designed and located in a manner to prevent light spill and/or glare impacts on neighbouring properties. Light placement and design shall be indicated on the construction certificate drawings.

41 **Compliance with the Recommendations of the Acoustic Report**
The recommendations for noise attenuation outlined in the Section 10.0 of the Traffic, Rail and Environmental Noise Assessment, (report number 2018-037) prepared by Acoustic, Vibration & Noise Pty Ltd, dated 14 march 2018, shall be implemented. Details demonstrating compliance shall be provided on the drawings submitted with the Construction Certificate.

42 **Stormwater Drainage Design**
A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions

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listed under this consent, and generally in accordance with the the Concept Stormwater Management Plans Job no. 15080, drawing nos. D1, D2, D3, D4, D5, D6, D7 and D8 rev B, by EZE Hydraulic Engineers, dated 14 March 2018.

b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.

c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

43 **Flows from Adjoining Properties**

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

44 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

45 **Pump System**

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

46 **Protection of Buildings from Ingress of Stormwater Runoff**

Detailed design of the development shall ensure that there will be no ingress of surface stormwater runoff into the proposed buildings. All building entrances shall be provided with a suitable freeboard above the adjacent local blocked pipe situation 100 year ARI water surface level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

47 **Details of Proposed Pit and Pipeline**

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

48 **Roofwater Drainage**

All roof gutters and downpipes shall be designed to cater for a 1 in 100 year ARI storm event in accordance with the current version of AS 3500.3 - Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.

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49 **Retaining Wall on Common Boundary**

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.

50 **Denison Street – Detailed Civil Engineering Design – Council Land**

A detailed civil engineering design shall be provided for the proposed footpath, drainage and road works within the road reserve and/or Council Land. The detailed civil engineering design shall be prepared by a suitably qualified practicing civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Concept Stormwater Management Plans by EZE Hydraulic Engineers Job no. 15080 drawing nos. D1, D2, D3, D4, D5, D6, D7 and D8 rev B, dated 14 March 2018.

The design shall include:

a Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway crown, street signs (clearly identifying the type of sign) and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.

b Footpath longitudinal sections, Road Longitudinal Sections, and cross-sections at 10 metre intervals as well as including building entrance points and transitions to existing at the property boundary demonstrating compliance with the latest versions of AS 1428.1, AS/NZS 2890.1, the Disability Discrimination Act and the AUSTROAD road design standards.

c Vehicular access must be provided for the adjoining lots on Hercules Street, details of the proposed vehicular crossings to access the lots must be provided.

d Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.

e Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.

f All construction must be in accordance with the requirements of Council's Subdivision Code. Evidence that this requirement has been met must be detailed on the engineering drawings.

g Details are to be provided regarding the type of materials used for construction. They should conform to the adjacent road reserves.

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

51 **Excavation and Retaining Structures adjacent to Public Road**

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

- A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.

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- A dilapidation survey of the existing Council infrastructure.
- Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

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

53 **Car Parking and Access**
The development shall make provision for the following:

Residential Parking
70 residential car parking spaces (including 9 spaces capable of adaption for people with disabilities)
17 residential visitor car parking spaces
28 secure (Class B) residential bicycle spaces
7 visitor (Class C) bicycle spaces for residents visitors
6 motorcycle spaces for residents

Commercial Parking
7 commercial car parking spaces
2 secure (Class B) employee bicycle spaces
1 visitor (Class C) bicycle space for the commercial premises
1 motorcycle space for commercial users

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

54 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

55 Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

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

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

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

59 **Security Roller Shutters for Basement Car Parking Areas**
The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting

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documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.

60 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

61 **Structures Adjacent to Driveway**
Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

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

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

a the pavement must be amended to comply with the current WCC Public Domain Technical Manual detailing ;
b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
d any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

64 **Landscape and Drainage Compatibility**
The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

65 **Landscape Maintenance Program**
The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

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

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

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submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

b Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

67 **Footpath Paving City Centre**

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

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

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

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

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

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

68 **Street Trees City Centre**

The developer must address the street frontage by installing street tree planting. The number and species for this development four Waterhousia floribunda, 200 litre container size in accordance with AS 2303:2015 Tree stock for landscape use. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

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

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

69 **Podium Planting**

All podium planting areas to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding to be installed to protect membrane from damage. All podium planting areas to be provided with an adequate drainage system connected to stormwater drainage system. Planter box to be backfilled with free draining planter box soil mix. Organic mulch only. Maximum decorative gravel pebble size 10mm diameter.

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

a A plan of the wall showing location and proximity to property boundaries;

b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;

c Details of fencing or handrails to be erected on top of the wall;

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d Sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;

e The proposed method of subsurface and surface drainage, including water disposal;

f Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;

g The assumed loading used by the engineer for the wall design.

h Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

71 **Property Addressing Policy Compliance**

Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing (propertyaddressing@wollongong.nsw.gov.au),** for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

72 **Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)**

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

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

a proposed ingress and egress points for vehicles to/from the construction site;

b proposed protection of pedestrians, adjacent to the construction site;

c proposed pedestrian management whilst vehicles are entering/exiting the construction site;

d proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

e proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;

f proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;

g proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Maritime Service's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);

h proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and

i proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

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

73 **Works in Road Reserve**

Prior to the issue of a Construction Certificate, the owner or contractor shall provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of $10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The policy is to note Council as an interested party.

74 **Supervision of Works within Road Reserve**

The works within Council's road reserve shall be supervised by a suitably qualified and experienced Civil Engineer or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number), together with a written construction program and anticipated duration of the construction works shall be submitted to Council's Development Engineering Manager prior to the commencement of works within the road reserve.

75 **Council Footpath Reserve Works**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

76 **Development Contributions - City Centre**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of $601,960.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

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The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 978790	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

77 **Sydney Trains Requirement - Survey**
Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.

78 **Sydney Trains Requirement - Noise and Vibration**
The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Certifying Authority and Council prior to the issuing of a Construction Certificate. The Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

79 **Sydney Trains Requirement - Electrolysis**
Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Certifying Authority with the application for a Construction Certificate. The Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

80 **Sydney Trains Requirement - Design**
The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of to Sydney Trains.

The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

81 **Sydney Trains Requirement - Construction**
No metal ladders, tapes, and plant, machinery, or conductive material are to be used within six (6) horizontal metres of any live electrical equipment. This applies to the train pantographs and

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catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.

82 No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

83 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed into RailCorp/Sydney Trains property or easements. The Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

84 Prior to the issuing of a Construction Certificate, the following rail specific items are to be submitted to Sydney Trains for review and endorsement:

- Machinery to be used during excavation/construction.
- Demolition, excavation and construction methodology and staging.

The Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

85 If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

86 If required by Sydney Trains, a monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

87 Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

88 No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the Applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels. Scaffolding shall comply with "General Guide for Scaffold and Scaffolding Works" in conjunction with The 'Code of Practice – Construction Work' prepared by Safe Work Australia. Scaffolding and scaffolding work shall also comply with the applicable NSW Work Health and Safety Legislation.

89 If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure and must be maintained for the duration specified by Sydney Trains. The

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Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

90 **Sydney Trains Requirement**
If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

91 **Sydney Trains Requirement – Anti Throw Measures**
Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

Prior to the Commencement of Works

92 **Sydney Trains Requirement - Supervision**
Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

93 **Temporary Road Closure(s)**
If a road closure is required, an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

Note: It may take up to eight (8) weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person which is to include the date and times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742-Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

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

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

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

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95 **Works in Road Reserve – Major Works**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

a Digging or disruption to footpath/road reserve surface;
b Loading or unloading machinery/equipment/deliveries;
c Installation of a fence or hoarding;
d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
e Pumping stormwater from the site to Council's stormwater drains;
f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
g Construction of new vehicular crossings or footpaths;
h Removal of street trees;
i Carrying out demolition works.

Restoration must be in accordance with the following requirements:

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

96 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

a Digging or disruption to footpath/road reserve surface;
b Loading or unloading machinery/equipment/deliveries;
c Installation of a fence or hoarding;
d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
e Pumping stormwater from the site to Council's stormwater drains;
f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
g Construction of new vehicular crossings or footpaths;
h Removal of street trees;
i Carrying out demolition works.

97 **Appointment of Principal Certifying Authority**

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

a Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
b notify Council in writing of their intention to commence work (at least two days notice is required).

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

98 **Sign – Supervisor Contact Details**
Before commencement of any work, a sign must be erected in a prominent, visible position:

a stating that unauthorised entry to the work site is not permitted;
b showing the name, address and telephone number of the Principal Certifying Authority for the work; and
c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

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

Each toilet provided must be:

a a standard flushing toilet; and
b connected to either:
  i the Sydney Water Corporation Ltd sewerage system or
  ii an accredited sewage management facility or
  iii an approved chemical closet.

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

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

101 **Enclosure of the Site**
The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

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

103 **Consultation with SafeWork NSW**
Prior to any work commencing on the site it is the responsibility of the owner to contact SafeWork NSW in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

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

a the location of hazardous materials throughout the site;
b a description of the hazardous material;

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c the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;

d an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;

e a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;

f identification of the disposal sites to which the hazardous materials will be taken.

105 **Asbestos Hazard Management Strategy**

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

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

106 **Demolition Works**

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

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

107 **Contaminated Roof Dust**

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

108 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

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

109 **Demolition Notification to Surrounding Residents**

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

110 **Support for Neighbouring Buildings**

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

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adjoining building/structure and furnish specific written details and supporting plans or other documentation of the proposed work.

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

111 **Site Management Program – Sediment and Erosion Control Measures**
A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

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

113 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

114 **Certification from Arborist - Adequate Protection of Trees to be Retained**
A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

During Demolition, Excavation or Construction

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

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

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

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

116 **Minimise Nuisance**
The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

117 The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

118 **Removal of UST, Site Remediation and Validation**
The recommendations of the Remediation Action Plan prepared by ei Australia dated 8 March 2018 must be implemented for removal of UST and remediation of the site for the

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proposed development. The remediation works must be conducted in accordance with the requirements of the Contaminated Land Management Act 1997, Chapter E20 of Wollongong DCP 2009 and the Protection of the Environment Operations Act UPSS Reg 2008.

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

120 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

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

122 The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.

123 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

124 **Dust Suppression Measures**
Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust. All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.

125 **No Adverse Run-off Impacts on Adjoining Properties**
The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

126 **Re-direction or Treatment of Stormwater Run-off**
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

127 **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

128 **Protection of Excavations**
If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

a must preserve and protect the adjoining building from damage; and
b if necessary, must underpin and support the building in an approved manner; and
c must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

129 All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

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130 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

132 **Importation of Soils to Site**
Prior to importing any soils to site for the purpose of back-filling also requires validation testing following the EPA (1995) Sampling Design Guidelines to confirm suitability for the proposed land use.

133 **Survey Report for Floor Levels**
A Survey Report must be submitted to the Principal Certifying Authority verifying that the ground floor and driveway crest accords with the plans and levels as approved under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for the respective component of the building. All levels shall relate to Australian Height Datum.'

134 **Water Sensitive Urban Design (WSUD) Treatment Devices Installation**
The recommendations of the WSUD Report prepared by EZE Hydraulic Engineers Pty Ltd dated 2 January 2018 shall be implemented to achieve the stormwater quality objectives of Chapter E15 of Wollongong DCP 2009.

135 **Noise Attenuation to Comply with the SEPP Infrastructure 2007**
All of the recommendations contained within the Traffic, Rail & Environmental Noise Assessment acoustic assessment report prepared by Acoustic, Vibration & Noise Pty Ltd dated 14th March 2018 for building noise compliance shall be implemented prior to the issue of the Occupation Certiticate. The acoustic attenuation shall ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building : 35dB(A) at any time between 10pm and 7am.
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time between 10pm and 7am.
- All mechanical plant must be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and (if necessary) standard acoustic treatments such as noise screens, enclosures, in-duct treatments (silencers/lined ducting) or similar as recommended by the acoustic report.

136 **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to Council's existing stormwater drainage system.

137 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

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

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

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

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soil mix.

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

140 **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

141 **Sydney Trains Requirement – Consultation**

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Illawarra and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.

142 **Sydney Trains Requirement - Documentation**

Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

143 **Sydney Trains Requirement - Environmental Protection**

During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

144 **Sydney Trains Requirement - Drainage**

The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.

145 **Sydney Trains Requirement - Inspections**

If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any

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existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.

If required by Sydney Trains, the Applicant must give Sydney Trains written notice at least five (5) business days before any of the following events occur within 25 metres of the rail corridor land:

- site investigations;
- foundation, pile and anchor set out;
- set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- foundation, pile and anchor excavation;
- other excavation;
- surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
- other concreting; or
- any other event that Sydney Trains has notified to the Applicant.

Prior to the Issue of the Occupation Certificate

146 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

147 **CCTV**

All stormwater pipes within road reserves intended to be dedicated to Council must be inspected by CCTV. A copy of the CCTV inspection must be submitted to Councils Development Engineering Manager for assessment prior to the issue of the Occupation Certificate. Below standard work must either be replaced or repaired to Councils satisfaction prior to the issuing of the Occupation Certificate.

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

A report be provided to Wollongong City Council and Principal Certifying Authority, prepared by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design that:

- Certifies that all proposed retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits was constructed in accordance with the approved plans prepared in accordance to RMS Technical direction GTD 2012/001.
- Certifies that the monitoring of the site was carried out in accordance with the requirements of RMS Technical direction GTD 2012/001.
- Provides a post construction dilapidation survey.

149 **Works-as-Executed Plans – Works within Council Land**

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

- Final locations and levels for all works associated with the development within Council land.

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- The plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

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

151 **Redundant Crossings**
Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council recognized concrete contractor at the developer's expense.

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

153 **Acoustic Compliance**
Prior to issue of an Occupation Certificate, the PCA shall be furnished with a copy of an acoustic compliance report prepared by a consultant who is a member of the Australian Acoustic Society (AAS) or the Associated of Australian Acoustic Consultants (AAAC). The report shall confirm that each of the dwellings has been designed and constructed to achieve the internal noise levels compliant with Clause 87 of SEPP (Infrastructure) 2007 and the 'Development Near Rail Corridors and Busy Roads – Interim Guideline'.

154 **Water Sensitive Urban Design Compliance Certificate**
The developer shall submit an engineering certificate certifying that the that the recommended water sensitive urban design filtration system/treatment devices were installed as per the Jones Nicholson WSUD report to comply with WDCP Chapter E 15 water quality objectives

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

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

157 **Mailboxes and Street Numbering**
The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.5.2 of Chapter D13 of Wollongong Development Control Plan 2009. The mailboxes must be provided in one accessible location adjacent to the main entrance to the development, integrated into a wall if possible and constructed of materials consistent with the appearance of the building. Letterboxes shall be secure and large enough to accommodate articles such as newspapers, parcels and the like. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2 No.) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

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Operational Phases of the Development/Use of the Site

158 **Waste Collection**
All waste collection is to be undertaken from within the site. On-street collection of waste is not permitted at any time.

159 **Waste Collection**
Waste collection is to be undertaken by a private contractor from within the site using a vehicle no larger than a Small Rigid Vehicle (max 6.4 metres in length) from the designated loading/unloading facility enabling turning and forward egress with no more than a 3-point turn.

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

161 **Loading/Unloading Operations/Activities and Maintenance Vehicles**
Vehicles associated with deliveries to the building and any maintenance shall park within the basement car park where possible.

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

163 **Graffiti Removal**
Any graffiti shall be removed immediately from the exterior of the building or any associated structures including any fences, site services and retaining/ planter bed walls.

164 **Strata Plan Requirements**
Should a Strata Plan be prepared for this development in the future, the following matters must be addressed:

a Garbage and recycling rooms must be contained within the common area;
b Motorbike and bicycle storage areas and visitor car parking must be contained within the common area; and
c Appropriate allocation of carparking and storage areas to the dwellings.

165 **Clothes Drying on Balconies/Terrace Areas Prohibited**
The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

166 **Residential Storage**
Each residential unit shall be allocated storage within the residential storage area provided within the building. The residential storage area shall be appropriately secured and fitted with CCTV surveillance. This requirement shall be reflected on the Construction Certificate plans.

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