

<b>JRPP No:</b>	2009STH017
<b>DA No:</b>	DA-2009/1582
<b>PROPOSED DEVELOPMENT:</b>	Construction of Thirteen (13) Storey Commercial Building
<b>APPLICANT:</b>	Design Workshop Australia
<b>REPORT BY:</b>	Theresa Whittaker, Senior Development Project Officer, Wollongong City Council (02) 4227 7481

## Assessment Report and Recommendation

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### EXECUTIVE SUMMARY

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#### Reason for consideration by Joint Regional Planning Panel

The JRPP is the determining authority pursuant to State Environmental Planning Policy (Major Development) 2005 as the proposed development has a capital investment value of more than \$10 million.

#### Proposal

This development application seeks consent for the construction of a thirteen (13) storey commercial building housing 11 commercial/office spaces; a café at ground level; employee gymnasium, pool, sauna and change facilities on level 12; storage areas; 10 motorcycle spaces; interconnection of the basement level with the adjacent building and 127 car spaces.

The building comprises 16 storeys, inclusive of 3 basement levels. The applicant indicates that the overall height from existing ground level is 56.3m.

#### Permissibility

The site is zoned B3 Commercial Core pursuant to Wollongong City Centre Local Environmental Plan 2007. The proposed development is permissible with consent.

#### Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Act and Regulation and Council's Notification Policy. Consultation with the RTA, Department of Planning and internal divisions of Council has also occurred. There was one (1) submission of objection received from a nearby property owner which raised concerns in relation to building height and traffic impacts.

#### Main Issues

The main issues arising from the assessment of the application are:-

- A variation is sought in relation to Clause 22D of WCC LEP 2007 which provides minimum building separation distances. The controls require that there be no separation from any other building at the street frontage height (being that part of the building built to the street alignment that has a minimum

height of 12m and a maximum height of 24m) and a separation of at least 12m between the street frontage height and less than 45m above ground level.

The departure sought relates to the northern side of the proposed building, where the proposed building has a reduced setback to the southern façade of the neighbouring 'Hatch' building located within the same site.

The applicant has submitted a submission seeking a departure in relation to Clause 22D. The concurrence of the Director-General of the Department of Planning been obtained in accordance with the requirements of the LEP. (See Section 7 of this report for discussion)

- Flooding – the site is known to be flood prone. The proposal has been designed having regard to this issue.
- DCP variations – the applicant has requested variations in relation to some of the provisions of Wollongong City Centre DCP 2007. The variations requested relate to building depth, distance from windows, rear setbacks to the lift core, building separation (as per Clause 22D of WCC LEP 2007) and encroachment into front setback by sun hoods (encroachment exceeds 450mm allowable encroachment in DCP).

## RECOMMENDATION

It is recommended that Development Application 2009/1582 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the conditions of consent contained within Attachment 5 to this report.

## ASSESSMENT REPORT

### 1 Background

<i>DA</i>	<i>Description</i>	<i>Decision</i>
<u>2004/2281</u>	Demolition of existing buildings and construction of a mixed use development comprising commercial spaces, home office apartments, 52 residential apartments with 3 levels of basement parking	Approved 19 July 2005
<u>Various modifications to DA-2004/2281</u>	A – modification to change wording on development consent to include staged development (Stage 1 being commercial building and Stage 2 being residential building), and change to Condition 54. B – Staged development involving the construction of a mixed use development. Stage 1 comprising commercial spaces with 3 levels of basement parking; Stage 2 comprising home office apartments, 52 residential apartments with 2 levels of basement parking - modification to configuration of carpark in Stage 1  C – modification to change the curtain walling system adding vertical louvres to north western corner with blade and delete awnings to other corners D - modification to northern podium area, addition of sprinkler room and street awning, adjustment to basement parking levels A, B and C, addition of locker room, driveway security shelter and relocation of waste room E- modification to roof area F - modification to include cafe facilities and external seating G - modification to add change room and storage unit to basement	Approved 23 February 2006  Approved 8 August 2006  Approved 27 February 2007  Approved 17 August 2007  Approved 10 September 2007  Withdrawn  Approved 10 July 2008
<u>DA-2007/1088</u>	Four signs	Approved 27 August 2007
<u>DA-2007/1667</u>	Use of part of ground floor for cafe	Approved 11 February 2008

The property does not have any outstanding customer service actions of relevance to this application.

Timeline of events	
Lodgement date	8 December 2009
Notification	17 December 2009 – 29 January 2010
Submissions	One (1), received 29 January 2010
Additional information Requested	17 February and 5 March 2010
Additional information Received	9 April 2010
External referrals	RTA 28 January 2010 and Department of Planning 8 February 2010 and 30 April 2010

## 2 Site description

The site is located at 25 Atchison Street, Wollongong and is legally defined as Lot 2 DP 1080428. The allotment has an irregular shape, having frontage to both Atchison and Kenny Streets, as illustrated in Attachment 1.

The site is located on the eastern side of Atchison Street approximately 133m from the intersection of Atchison and Ellen Streets. The site has an area of 4295m<sup>2</sup> and is zoned B3 Commercial Core pursuant to Wollongong City Centre Local Environmental Plan (WCC LEP) 2007. As noted above, a staged development has been approved for the site. Stage 1, being a commercial building with a café at ground floor level, has been constructed. This proposal is for a building which will replace what was approved as Stage 2 of the previous proposal, located within the south-western part of the allotment. If this proposal is approved, modifications to Stage 1 will be required to facilitate access into and out of the proposed building.

Council's records indicate that the site is flood affected. A large stormwater drainage easement crosses the site.

The site on which the building is proposed is relatively flat.

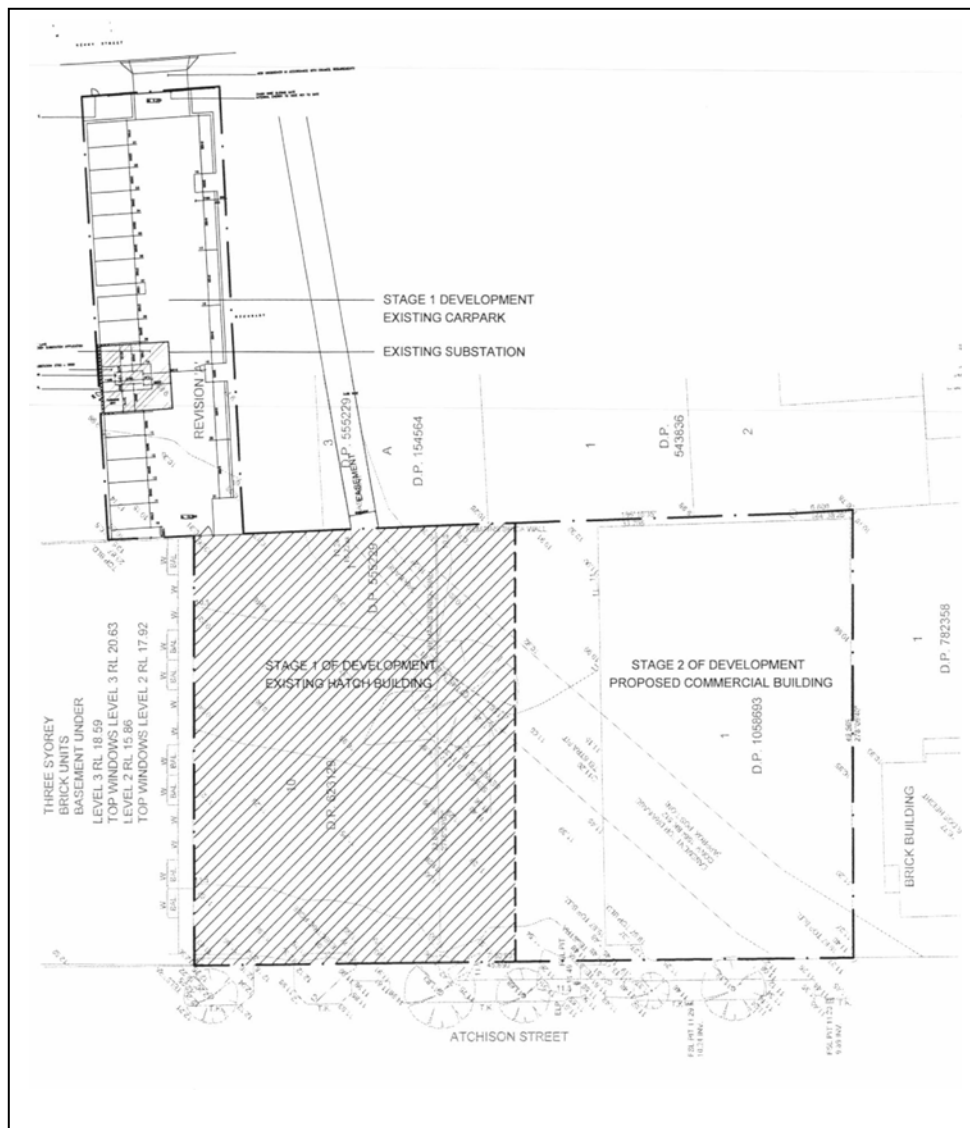
Land adjoining the site is similarly zoned B3 Commercial Core and is occupied by a variety of uses including mixed use development and a function centre. Council has recently approved an application for a residential and commercial building on the neighbouring site to the south.

## 3 Proposal

This development application seeks consent for the following:-

- Construction of a thirteen (13) storey commercial building housing 11 commercial/office spaces; a café at ground level; employee gymnasium, pool, sauna and change facilities on level 12; storage areas; 10 motorcycle spaces; interconnection of the basement level with the adjacent building and 127 car spaces, 3 of which are for disabled persons.

The building will adjoin the existing 'Hatch' building on the site (Stage 1 of the previous proposal approved pursuant to DA-2004/2281) as illustrated in the following diagram:-



**Figure 1**

The basement levels of the two buildings will be interconnected. Access to the basement car park will be obtained via the existing access ramp to the existing building from Atchison Street.

The building comprises 16 storeys, inclusive of 3 basement levels. The upper floor is occupied by a gym, change rooms and toilet facilities, saunas and a lap pool, while the level below is occupied by services. The applicant indicates that the overall height from existing ground level is 56.3m.

The proposed finishing materials include predominantly curtain wall glazing, sections of cladding (to the podium, stair/lift core and feature elements), and steel framed glass atriums above the entry foyer and café. The northern side of the lift core is encased in glass. The ground floor street frontage is finished in curtain wall glazing with a raised planter bed. The applicant has provided a schedule of finishing materials and colours including samples. Photomontages of the development have also been provided.

## 4 Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C(1) and the significant matters are discussed in further detail further in the report.

Section 79C(1) of the Environmental Planning and Assessment Act 1979	
<b>(a)(i) any environmental planning instrument</b>	
<p><u>State Environmental Planning Policies</u></p> <ul style="list-style-type: none"> <li>SEPP (Major Development) 2005</li> <li>SEPP (Infrastructure) 2007</li> </ul> <p><u>Local Environmental Planning Policies</u></p> <ul style="list-style-type: none"> <li>Wollongong City Centre Local Environmental Plan (WCCLEP) 2007</li> </ul> <p><i>Detailed assessment is provided below the table.</i></p>	
<b>(a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority</b>	
<ul style="list-style-type: none"> <li>Wollongong Local Environmental Plan (DWLEP) 2009 (exhibited but not commenced prior to lodgement of this DA)</li> </ul> <p><i>Detailed assessment is provided below the table.</i></p>	
<b>(a)(iii) any development control plan</b>	
<ul style="list-style-type: none"> <li>Wollongong City Centre DCP 2007</li> <li>DCP 54 – Managing Flood Risk</li> <li>Wollongong Section 94A Development Contributions Plan 2009</li> </ul> <p><i>Detailed assessment is provided below the table.</i></p>	
<b>(a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F</b>	
There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.	
<b>(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</b>	
<p>Clause 92:-</p> <p>The application does not involve demolition; this was approved by the previous development consent relating to the land. As such the provisions of AS 2601-1991: The Demolition of Structures do not apply to the proposed development.</p> <p>The site is located within the NSW coastal zone however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.</p>	
<b>b) the likely impacts of development</b>	
<p><u>Context and Setting:</u></p> <p>The building is much higher than existing development in the vicinity, however the height is consistent with the controls contained within the City Centre LEP.</p> <p>The form, character and finishing materials and colours are consistent with the neighbouring ‘Hatch’ building located within the northern part of the site.</p>	

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Access, Transport and Traffic:

The proposed building is designed such that the basement levels will be interconnected with the neighbouring Stage 1 ('Hatch') building. Access will be obtained to the basement car park via the existing ramp on Atchison Street. A common bike storage area will be utilised within the Stage 1 building and the existing loading/service areas within the Stage 1 building will also be shared.

Pedestrian access will be available from either the Atchison Street frontage or from Kenny Street.

A total of 127 car spaces are provided for within the proposed building along with 10 motorcycle spaces. When considered in combination with the car parking provided within the 'Hatch' building (total 250 car spaces), this is adequate.

The applicant's Traffic & Parking Impact Study indicates that sufficient car parking is available across the two buildings (Stage 1 building and that proposed). Adequate bicycle and motorcycle storage is also proposed. The development is expected to generate 328 vehicular trips per hour during the peak which can be readily absorbed into the local street network.

Public transport is available within reasonably close proximity of the site. Wollongong Railway station is located within 400m of the site, in addition to taxi ranks and bus stops.

### Public Domain:

The development will not have an unreasonable impact on the public domain. Specifically, in relation to pedestrian amenity, wind effects on the public domain will not be significant subject to the recommendations of the Pedestrian Wind Environment Statement being implemented. No additional vehicular crossings are proposed, with vehicular access to be obtained via the existing ramp into the Stage 1 ('Hatch') building. This will minimise impacts on pedestrian safety and amenity.

An awning is proposed across the Atchison Street footpath.

Shadow diagrams were provided with the proposal which indicate that the development will cast a lengthy shadow. The public footpath on Atchison Street will be in shadow for part of the morning year round. This is not unreasonable given the height limits permitted in this area.

### Utilities:

The applicant indicates that existing utility services are available to the subject site and will be adequate to service the proposal.

### Heritage:

No heritage items will be impacted by the proposal. There are no heritage items or conservation areas within proximity of the site.

### Other land resources:

The proposal is not envisaged to impact upon any valuable land resources subject to appropriate management being employed during construction.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Water:

The site is presently serviced by Sydney Water. It is expected that services can be extended and augmented to meet the requirements of the proposed development. Sydney Water approval will be required prior to construction.

No adverse water quality impacts are expected as a result of approval of the proposed development subject to soil and water management measures being implemented during construction. If approved, conditions can be imposed in this regard.

The proposal is not expected to involve excessive water consumption. The applicant indicates that rainwater collection and reuse are proposed, and water efficient fixtures will be used. This will assist in reducing reliance on potable water. The ESD report provided with the DA indicates that water usage will be 30-50% less than a conventional building.

### Soils:

The site is not known to be contaminated nor contain acid sulphate soils. Impacts on soil resources through erosion and sedimentation during construction can be mitigated. If approved, conditions should be imposed in relation to the implementation of erosion and sedimentation controls.

### Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate. The applicant has submitted a Pedestrian Wind Environment Study with the DA which recommends certain mitigation to ensure that wind conditions are satisfactory. The plans incorporate the recommendations identified in the report.

### Flora and Fauna:

There is no suitable habitat on site for any significant flora or fauna.

Two (2) street trees are proposed to be removed. No concerns have been raised in relation to this issue by Council's Landscape Officer. Landscaping works are proposed on the level 3 podium level and adjacent to the Atchison Street frontage. Council's Landscape Officer has recommended conditions requiring the provision of paving along the entire Atchison Street frontage of the site and planting of street trees in accordance with the requirements of Council's Public Domain Technical Manual.

### Construction Waste:

The applicant has provided a waste management plan in relation to the construction phase. Conditions of consent have been recommended for imposition in relation to this issue.

### Ongoing Waste Management

The applicant has provided a detailed operational waste management plan which involves collection by private contractor. The scheme has been designed to meet the requirements of the Building Management System and the Green Star Council of Australia. The applicant indicates that all waste will be collected, sorted, weighed and removed from the site in a small van each day and transported to the relevant recycling and waste disposal locations. No onsite collection by a large vehicle is required.

### Energy:

The proposal is not expected to involve unreasonable energy consumption. The applicant indicates that the building has been designed with the intention of seeking 5 star certification from the Green Building Council of Australia's Green Star Office Design rating scheme and a 5 star certification of the NSW Department of Environment and Climate Change's Australian Building Greenhouse Rating Scheme. An ESD assessment has been provided with the DA which outlines the way in which this certification is sought to be gained. The report claims that the building will use 30% less energy than a conventional building. Conditions of consent have been recommended for imposition in relation to this issue.



## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Noise and vibration:

Noise and vibration impacts are likely to be significant during the construction of the new building. The geotechnical report provided by the applicant indicates that it is likely that heavy rock breakers, rock saws, grinders and ripping equipment will be required during excavation for the basement, footings and lift overruns. Vibration impacts will be significant as a result. The report recommends the implementation of some measures through conditions to reduce vibration impacts.

### Natural hazards:

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

The site is known to be flood affected. This issue has been considered by Council's Stormwater Section who initially raised concerns, however these have been resolved through the submission of amended plans and additional information.

The applicant has provided a geotechnical investigation of the site which indicates that there is an unusually high water table at 1m depth. This issue will need to be carefully managed during construction via consent conditions. The proposal may also require approval from the NSW Office of Water. This issue is also dealt with by conditions.

### Technological hazards:

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

The proximity of neighbouring buildings, including the 'Hatch' building within the northern part of the site (immediately adjoining the proposed building) may be problematic during excavation for the proposed building. The proposal involves cuts of up to 8.8m immediately adjacent to this building. Council's Geotechnical Engineer has recommended the imposition of conditions in relation to this issue.

### Safety, Security and Crime Prevention:

A CPTED report has been supplied with the DA which provides numerous recommendations. The implementation of most of the recommendations can be ensured through the imposition of consent conditions if consent is granted.

### Social Impact:

The proposal is not expected to create any negative social impacts.

### Economic Impact:

The proposal is not expected to result in any negative economic impacts. The proposal will provide additional commercial floor area within the CBD of Wollongong which will support economic growth and the creation of additional employment opportunities.

### Site Design and Internal Design:

The application seeks consent for a number of departures from the Wollongong City Centre LEP and DCP 2007, as outlined below. The variations sought relate to building separation, building depth, and setbacks. The variations sought are considered to be reasonable in this instance.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Sufficient arrangements appear to have been made in relation to access/egress, car parking, servicing and waste management.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Construction:

Construction impacts are likely to be significant given the size of the site and the scale of development proposed. Construction impacts can be managed however and if approved, it is recommended that conditions be imposed in relation to matters such as hours of work, implementation of erosion and sedimentation controls, impacts on the road reserve, protection of excavations, impacts on neighbouring buildings, and the like.

The geotechnical report lodged with the application indicates that excavation for the purposes of the basements, footings and lift overruns etc will encounter groundwater. This will require management during construction. Vibration impacts are likely to be significant during bulk earthworks and measures are recommended to reduce these impacts. Support for excavations will also be required. Conditions should be imposed in relation to these issues if the proposal is approved.

If consent is granted, an additional condition will be attached to any consent granted that WorkCover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

### Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

### **c) the suitability of the site for development**

#### Does the proposal fit in the locality?

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

#### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

### **d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Council "Development Assessment and Compliance Notification Policy". One (1) submission was received which is discussed in section 12.1 of this report

#### Submissions from public authorities

The RTA and Department of Planning were consulted in relation to this proposal. The comments provided are detailed below in Section 12.3.

### **e) the public interest**

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

## **5 State Environmental Planning Policy (Major Development) 2005**

The Joint Regional Planning Panel is the determining authority for this proposal as it has a capital investment value of more than \$10 million.

## **6 State Environmental Planning Policy (Infrastructure) 2007**

Clause 104 relates to traffic generating development and requires that the proposed development be referred to the RTA for comment. The consent authority must take into consideration any submission that the RTA provides as well as the following issues:-

- The accessibility of the site concerned, including:
  - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

- Any potential traffic safety, road congestion or parking implications of the development.

The Regional Development Committee and the RTA has reviewed the proposed development and has provided comments which are outlined in Section 12.3 below.

These issues raised by the RTA as well as those identified by the SEPP have been considered by Council's Traffic Section. The concerns initially raised have been resolved through the submission of amended plans and additional information. The proposal is now satisfactory subject to conditions being imposed.

## 7 Wollongong City Centre Local Environmental Plan 2007 (WCC LEP 2007)

The site is zoned B3 Commercial Core pursuant to WCC LEP 2007. The proposed office building is best defined as one or more *office premises* for the purposes of the LEP while the café component is best defined as a *food and drink premises*. Both uses are permissible in this zone with development consent.

### Clause 4 - Dictionary

***food and drink premises*** means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food or drink premises, milk bars and pubs

***office premises*** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

### Clause 12 – Zone Objectives and Land Use Table

The objectives of the zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra.
- To provide for land uses of a higher order and density within the Commercial Core zone than those located within the Mixed Use zone.
- To encourage a diverse and compatible range of activities including the following:
  - commercial and retail development,
  - cultural and entertainment facilities,
  - tourism, leisure and recreation facilities,
  - social, education and health services.
- To provide for residential development which contributes to the vitality of the Wollongong city centre, where provided within a mixed use development.
- To create opportunities to improve the public domain and pedestrian links throughout the Wollongong city centre.
- To provide for the retention and creation of view corridors.
- To protect and enhance the unique qualities and character of special areas within the Wollongong city centre.

The proposed development is considered to be consistent with the zone objectives.

## Part 4 – Principal development standards

### Clause 21 - Height of Buildings

The height of building map identifies a maximum building height of 60m as applicable to the subject site.

Building height is defined as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The plans depict a building height of 56.3m when measured from existing ground level to the highest point of the building.

#### Clause 22 - Floor Space Ratio

The site has an area of 4295m<sup>2</sup> and a frontage of more than 20m. A maximum floor space ratio of 6.0:1 applies to the site. The applicant states that the proposal has a FSR across the site (both proposed building and existing 'Hatch' building) of 4.27:1. The area of surplus car spaces has been included in the gross floor area of the building.

#### Clause 22A - Minimum Building Street Frontage

A minimum street frontage of 20m applies. The site complies, with frontages exceeding 20m.

#### Clause 22B - Design Excellence

Consent must not be granted 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,
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
- (c) whether the proposed development detrimentally impacts on view corridors,
- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,
- (e) how the proposed development addresses the following matters:
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) impact on, and any proposed improvements to, the public domain.

Consideration has been given to these matters. In relation to (a), it is considered that the development provides for a high standard of design, materials and detailing appropriate for the building type and its location. In relation to (b), it is considered that the form and appearance of the development will improve the quality of the public domain, though it is noted that wind effects may adversely impact on the amenity of the public domain unless certain works are done. The plans incorporate the recommendations contained in the Wind Effects report lodged with the DA. In relation to (c), the development does not detrimentally impact on view corridors and is consistent with the relevant building height. In relation to (d), the development will not overshadow any part of MacCabe Park. In relation to (e), the site is considered to be suitable for the development, it provides for appropriate uses, there are no heritage issues which constrain the site and the height, form and design is considered to appropriately relate to the streetscape. The tower has a reasonable relationship with the neighbouring 'Hatch' building erected within the northern part of the site, noting that a building separation variation is proposed. The bulk, mass and modulation of the building is considered to be reasonable. The street frontage height of the building complies with relevant controls. In relation to (vii), the proposal will not have an unreasonable environmental impact. Specifically, the building has been designed so as to achieve a 5 star rating and is considered to represent sustainable design. Overshadowing impacts are not unreasonable. Wind effects

can be mitigated and material reflectivity is consistent with relevant controls. In relation to (viii), the proposal achieves the principles of ESD having regard to the matters contained within Clause 22E. Pedestrian, cycle, vehicular and service access and circulation requirements of the DCP have been satisfied and the impact on the public domain is considered to be acceptable subject to compliance with recommended conditions relating to compliance with Council's Public Domain Technical Policy, street tree planting and wind effects mitigation.

Clause 22B (4) states that consent must not be granted to buildings which are proposed to have a building height greater than 35m unless an architectural design competition has been held in relation to the proposed development: Clause 22B(5) however provides that subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required. The Director-General has waived the requirement for an architectural design competition in this instance.

#### Clause 22C Car parking

Consent must not be granted for development within the B3 or B4 zone for the erection of a new building or an alteration to an existing building unless at least 1 car space is provided for every 75m<sup>2</sup> of the floor area of the building that is to be used for commercial activities, and at least 1 car space is provided for every 25m<sup>2</sup> of the floor area of the building that is to be used for retail premises.

The GFA of the building to be occupied by commercial activities totals 11,189m<sup>2</sup> while the retail premises (café) totals 89m<sup>2</sup>.

The applicant contends that there is sufficient car parking available within the site. 127 car spaces have been provided within the proposed building, though it is noted that 4 are required to be removed from the plans. A total number of 250 car spaces have been provided across the site (within the 'Hatch' building, the proposed building and within the open car park to the rear of the buildings). On the basis of the commercial and retail floor area across both of the buildings, sufficient car parking has been provided within the site to cater for the existing and proposed buildings.

#### Clause 22D Building separation within Zone B3 Commercial Core or B4 Mixed Use

The following building separation requirements apply:-

- (a) no separation from any other building at the street frontage height,
- (b) at least 12 metres between the street frontage height and less than 45 metres above ground level, and
- (c) at least 28 metres from any other building at 45 metres or higher above ground level.

Street frontage height means that portion of the building that is built to the street alignment and has a minimum height of at least 12m and a maximum height of 24m above ground level.

#### **A. Northern side of the proposed building:-**

The proposed and existing building within the site abut each other through the 3 basement levels, however are separated at ground floor level by a walkway varying in width from 1.8m – 3.06m. A 3.06m separation exists between the existing 'Hatch' building and levels 1 through to level 6 of the proposed building. The proposal therefore does not comply with the above controls and the applicant has sought a variation.

The applicant has provided a Clause 24 submission in relation to Clause 22D which is as follows:-

#### **“Building separation distances**

The proposed development provides a building separation of between 1m and 3m between the northern façade of the proposed building and the southern façade of the existing development of Stage 1 of DA-2004/2281 (between ground and level 5 of the proposed building). The area of non-compliance is shown in red in Figure 9 below.”

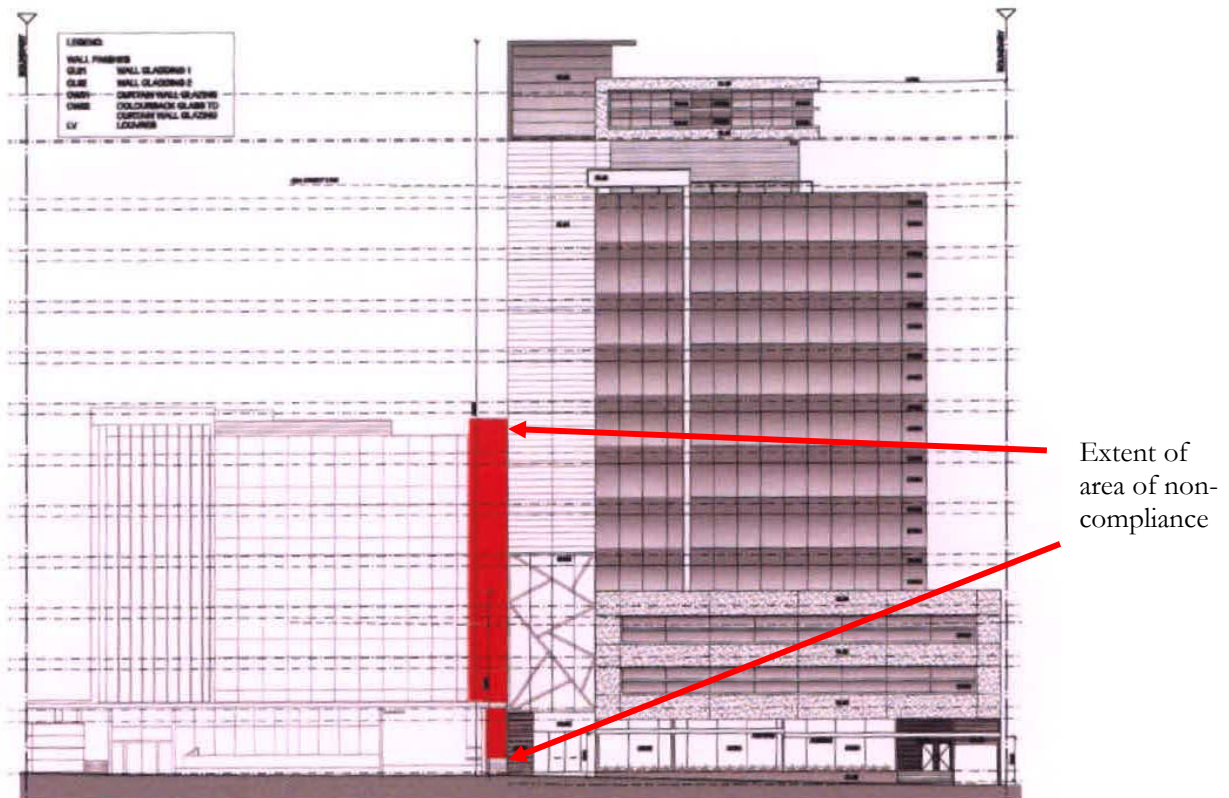


Figure 9 – Building separation – area of non-compliance

**Figure 2: Area of building separation non-compliance – Figure 9 of applicant’s SEE.**

“The building separation between the proposal and surrounding development is based on a ‘share’ principle whereby half the required building separation is provided at 25 Atchison Street, and the other half on surrounding development sites. This principle is in line with the setbacks, for example the site setbacks between street frontage height and 45m which are to be 6m which is half of the required building separation of 12m. The following side and rear setbacks are provided to the development:

- Side and rear setbacks of 0m at street frontage height where site characteristics allow;
- Side and rear setbacks between street frontage height and 45m are 6m; and
- Rear setbacks above 45m (for a distance of 7.8m) are between 6.221m and 8.297m which is less than the required 14m. It is noted that there are no buildings adjacent to the site above 45m.

The building has been designed in this manner to enable dual access to the core, including access to the emergency evacuation corridor, whilst still presenting as separate towers to minimise the bulk of the proposal. The proposal provides some relief to the bulk of the building which also responds to the character of the overall development including Stage 1. A separation distance of 0m up to street frontage height would result in significant cosmetic and structural changes to the established building and has the potential to detrimentally impact upon the design intent of the structure. The application of this requirement could also result in significant follow on issues in relation to green star rating and energy efficiency.

A separation distance of 12m between street frontage height and 45m will result in a fragmented design which is contrary to the design mandate of a large consolidated commercial development. Design elements are included to break up the bulk and scale.

Clause 24 Exceptions to development standards of the Wollongong LEP 2007 has been addressed below in relation to this matter.

Compliance with the standard is unreasonable or unnecessary in the circumstances of the case

Compliance in this instance is unreasonable due to:

- The proposal will not cause any unreasonable privacy impacts to the existing development of Stage 1 of DA-2004/2281 due to the nature of the use (commercial) and the location of the core of the proposed development;
- The main solar access to the existing development of Stage 1 of DA-2004/2281 is from the north, not the south;
- The height of the existing development of Stage 1 of DA-2004/2281 is less than 35m and therefore the reduced separation distances will not result in any adverse wind impacts (refer to the Pedestrian Wind Environment Statement prepared by Windtech);
- The reduced separation will not cause any unreasonable amenity impacts to surrounding development;
- Compliance with the standard would produce a less effective commercial floor template;
- The control is excessive when compared to those operating in other locations eg City of Sydney;
- The separation is adequate between two commercial buildings; and
- The objectives relating to building separation in the DCP will be met.

There are no objectives for building separation within the Wollongong LEP 2007. The objectives for building separation within the Wollongong City Centre DCP 2008 include:

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

To assist in the assessment of the application, each component of the objectives are examined as follows:

#### **Appropriate level of daylight**

The planning principles contained in *Parsonage v Ku-ring-gai* [2004] NSWLEC 347 advise that the ease which sunlight access can be protected is inversely proportional to the density of the development. At higher densities, sunlight is harder to protect and the claim to retain it is not as strong.

The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.

It is considered that the penetration of sunlight into the existing building, particularly from the north, west and east will be adequate. Similarly sunlight into the proposal will be provided on all levels from the south, east and west and for the upper levels from the north.

#### **Appropriate level of amenity to outlook**

The Macquarie Concise Dictionary includes the following meaning for “outlook”:

*The view or prospect from a place; the place from which an observer looks out; the act or state of looking out.*

It is clear that the outlook from the existing building to the south will be restricted by the proposal. However, the outlook to the west and east will be retained. The outlook to the north is also restricted to some degree by the existing development.

It is also noted that the restricted outlook to the south would also have occurred through the current development consent which provides for the residential building.

Occupancy of both buildings will occur during working hours. It is considered that the outlook is appropriate for a building of this type within a CBD location.

#### **Appropriate level of view sharing**

The judgment *Tenacity Consulting v Warringah* [2004] NSWLEC 140 establishes certain principles for view sharing. It states that the notion of view sharing is involved when a property enjoys

existing views and a proposed development would share that view by taking some of it away for its own enjoyment.

The view that would be affected would be that to the south from the existing building. However that view would have been shared by the residential building provided for in the existing consent and it is concluded that the view sharing has been considered by Council as being reasonable.

That aside, this view in its context, could be considered as a view across a side boundary where it is more difficult to protect than for view from front and rear boundaries.

Given also the commercial nature of the existing building and therefore the limited occupancy times along with the fact that a approval has been granted to a building with restricted southern views it is considered that the view loss will be moderate in these particular circumstances.

Although the building does not comply with the building separation distances contained within the LEP it is considered that the view loss is reasonable and other opportunities are retained throughout the existing building.

#### **Appropriate level of ventilation**

The building will be mechanically ventilated.

#### **Appropriate level of wind mitigation**

A Pedestrian Wind Environment Study has been prepared by Windtech which has recommended treatments into the final design of the proposed development. These treatments will ensure that wind conditions within and around the subject development will be acceptable for the intended uses and will satisfy the requirement for wind comfort as required by the Wollongong City Centre DCP.

#### **Privacy**

The buildings are to be used for commercial purposes and the issue of privacy is not as pivotal as it would be for a mixed use residential development. Occupancy is limited to office hours and in these working circumstances employees conduct themselves in accordance with protocols and guidelines established by their employers.

It is also noted that approximately 55% of the length of the proposed development includes the amenities and service core, the existence of which ensures a degree of privacy between floors.

#### **To achieve usable and pleasant streets and public domain in terms of wind, mitigation and daylight access**

The Windtech report has suggested a strategic layout of densely foliating trees for the ground level areas along Atchison Street. The trees should be capable of growing to a height of approximately 4m with a 3m wide canopy. It is considered that daylight access will be adequate for the public areas.

#### **Sufficient environmental planning grounds to justify contravention of the standard**

Despite not meeting the separation distance required in the LEP, the proposal has planning merit in that:

- It is considered that the development is appropriately scaled for the future development of the area;
- There will be no adverse impacts with regards to the amenity of building occupants;
- Due to the height and density permissible in the zone and the location of the site, retaining 3 hours of direct sunlight all surrounding development is not considered feasible if the height and density allowance relating to the revitalisation strategy are to be realised;
- Effective ventilation will be available; and
- It is considered that wind conditions within and around the subject development will be acceptable.

The Statement of Environmental Effects submitted with the application has addressed the issues of daylight, outlook, view sharing, ventilation, wind mitigation and privacy.



In the public interest as it is consistent with zone objectives for development and the objectives of the standard

The objectives of the B3 Commercial Core zone under the Wollongong City Centre Local Environmental Plan 2007 are:

- 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.
- To provide for land uses of a higher order and density within the Commercial Core zone than those located within the Mixed Use zone.
- To encourage a diverse and compatible range of activities including the following:
  - commercial and retail development,
  - cultural and entertainment facilities,
  - tourism, leisure and recreation facilities,
  - social, education and health services.
- To provide for residential development which contributes to the vitality of the Wollongong city centre, where provided within a mixed use development.
- To create opportunities to improved the public domain and pedestrian links throughout the Wollongong city centre.
- To provide for the retention and creation of view corridors.
- To protect and enhance the unique qualities and character of special area within the Wollongong city centre.

The proposed development is consistent with the objectives of the zone as:

- The proposal is compatible with surrounding land uses which are suitable for the city centre location;
- The proposal provides significant business/office space to serve the needs of the local and wider community and support the City Centre Revitalisation Strategy;
- The proposal will provide significant employment opportunities in a very accessible location. This will assist in mitigating job escape from the Illawarra estimated at 15.8% of the workforce;
- The uses are suitable for a commercial core zone;
- The proposal seeks to encourage public transport and walking/cycling through the provision of bicycle storage spaces and change facilities for those who walk and cycle to the building. The site is in close proximity to public transport; and
- The proposal contributes to a diverse range of activities in an accessible location.

Concurrence of the Director-General has been obtained

Direct consultation has been held with officers of the Department of Planning (2 June 2009) as part of the consultation process. This includes the proposed variations to the building separation development standard. The application will need to be referred to the Department to formalise this process.

The Director-General has already provided relief from the Design Competition requirement under Clause 22B of the Wollongong City Centre Local Environmental Plan 2007.

Matters of State or regional planning significance

The contravention of the development standard does not raise any matters of significance for state or regional environmental planning. The proposal will however support the commercial centres hierarchy contained within the Illawarra Regional Strategy which identifies Wollongong as a regional city, the key functions of which include:

- Higher density commercial development;
- Large commercial floor area;

- Access by walking and cycling; and
- A safe and accessible environment.

The Strategy identifies employment capacity opportunities for the city centre at 10,000 new jobs by 2031. This development will assist in this attempt.

The public benefit of maintaining the development standard

The proposed development is a practical approach to support the Wollongong City Centre in the attempt to provide greater employment opportunities and support the economic growth of Wollongong. The proposal will provide over 11,000m<sup>2</sup> of prime commercial space to the Wollongong City Centre. This is consistent with the Illawarra Regional Strategy.

The Wollongong City Centre Vision Plan details that:

*New jobs need to be created not only to meet the demand from the growing labour force but also to reduce unemployment and the number of people commuting to Sydney*

*High rates of growth may be constrained by lower quality building stock*

As detailed above, the proposal will provide significant prime (and high quality) commercial space to the Wollongong City Centre. Overall there appears to be no public benefit in maintaining the development standard.”

The applicant’s submission is considered to be acceptable and the variation is supported in this instance. Further comments are provided below in relation to Clause 24 of the LEP. It is noted that the Director-General of the Department of Planning has provided his concurrence to the proposed development.

**B. Southern, eastern and western sides of the proposed building:-**

There is currently a single storey building located on the site to the south. The podium has a nominal setback from the southern boundary. From levels 3 to 10, a setback of 6m has been provided to the southern boundary. Levels 11 and 12 are setback 14.45m and 14m respectively. The proposal meets the separation requirements in this direction.

The proposal complies with the building separation requirements in Clause 22D to the east and west. In this regard, the setback to the rear (eastern boundary) from ground level through to level 2 varies from 0.407m to 1.821m, and increases to 6.221m from level 3 to 10. Levels 11 and 12 are setback 14.45m and 14m respectively, though there is a reduced setback to the lift and service core (6.221m on Level 11 and 8.297m on Level 12). The reduced setback is dealt with below.

Clause 22E Ecologically sustainable development

Before granting consent, the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach, by considering each of the following:

- (a) greenhouse gas reduction,
- (b) embodied energy in materials and building processes,
- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and energy conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,
- (i) reduction of car dependence,
- (j) potential for adaptive reuse.

An Ecologically Sustainable Design Assessment report has been provided with the DA which identifies the ways in which the proposal addresses the above principles. It notes that the building has been designed with the intention of seeking a 5 star certification of the Green Building Council of Australia’s Green Star Office Design rating scheme and the NSW DECCW’s Australian Building Greenhouse Rating scheme.

The building has been designed to minimise electricity consumption and encourages reduced car reliance through the provision of bike storage and change room facilities for people who walk or ride to work.

Provision has been made for rainwater harvesting and re-use and all fittings and fixtures are to be water efficient.

A detailed operational waste management plan has been provided. The applicant contends that the scheme has been designed to meet the requirements of the Building Management System and the Green Star Council of Australia.

#### Clause 24 Exceptions to development standards

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.

The applicant has provided a written request in relation to the contravention of the building separation distances in Clause 22D as detailed above.

The consent authority must be satisfied that the applicant's written request has adequately addressed the above matters, and 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. In addition the concurrence of the Director-General must be obtained. The applicant's statement has adequately addressed the above matters and has demonstrated that the development will be in the public interest. The proposal is consistent with the objectives of the standard and the objectives of the B3 zone. The concurrence of the Director-General has been obtained.

### **Part 5 – Miscellaneous provisions**

#### Clause 29A Ground floor development on land within Zone B3 Commercial Core or B6 Enterprise Corridor

Consent must not be granted for development on the ground floor of a building on land within the B3 zone if the development would result in any part of that floor not being used for commercial activities that have active street frontages, other than any parts of that floor used for the purposes of lobbies or access for fire services, or vehicle access. The proposal complies with this clause.

#### Clause 32 Development within the coastal zone

Consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

- (a) existing public access to and along the coastal foreshore for pedestrians or persons who are less mobile, with a view to:
  - (i) maintaining existing public access and, where possible, improving that access, and
  - (ii) identifying opportunities for new public access, and
- (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
  - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
  - (ii) the location, and
  - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
- (c) the impact of the proposed development on the amenity of the coastal foreshore including:
  - (i) any significant overshadowing of the coastal foreshore, and
  - (ii) any loss of views from a public place to the coastal foreshore, and
- (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
- (e) how biodiversity and ecosystems, including:
  - (i) native coastal vegetation and existing wildlife corridors, and
  - (ii) rock platforms, and
  - (iii) water quality of coastal water bodies, and

- (iv) native animals, fish, plants and marine vegetation, and their habitats, can be conserved, and
- (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
  - (i) on the proposed development, and
  - (ii) arising from the proposed development, and
- (g) the cumulative impacts of the proposed development and other development on the coastal catchment.

The above matters have been considered and no concerns are raised, particularly as the proposal will have no impact on the coastal foreshore and will not be impacted by coastal processes.

The consent authority must be satisfied that:-

- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

The consent authority can be satisfied of these matters.

#### Clause 33A Development on flood prone land

Before determining an application for consent to carry out development on flood prone land, the consent authority must consider a number of matters relating to flooding including the impact of the proposed development on flood behaviour, the risk of flood damage to property and persons, the safety in time of flood of the site of the development and of any buildings or works intended to be erected or carried out, and the provisions of any floodplain management plan adopted by the Council that apply to the land. These matters have been considered by Council's Stormwater Section and no concerns are raised.

## **8 Wollongong Local Environmental Plan 2009 (WLEP 2009)**

Wollongong LEP 2009 was gazetted on 26 February 2010, after the lodgement of this development application. Clause 1.8A of WLEP 2009 provides a savings provision in relation to pending development applications:-

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not finally been determined before that commencement, the application must be determined as if this Plan had not commenced."

Accordingly the proposed development has been assessed with regard to WCC LEP 2007 though consideration has been given to the provisions of the draft plan in the form it was immediately prior to its making. The relevant provisions are as follows.

The site is proposed to be zoned B3 Commercial Core pursuant to this plan. The proposed building is to be occupied by 'commercial' uses which may involve *office premises*. The ground floor café would be defined as a *food and drink premises*. Both uses are proposed to be permissible with development consent in the zone.

#### Clause 1.4 – Definitions

*Office premises* is defined as 'a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing in a minor activity (by appointment) that it ancillary to the main purposes for which the building or place is used.'

*Food and drinks premises* are defined as 'retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.'

#### Zone objectives and land use table

The objectives of the zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra.
- 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 proposed development is consistent with the above objectives, particularly as it will provide for a large number of employment opportunities within close proximity to the city centre and public transport nodes. It will maximise public transport patronage and has been designed to encourage cycling.

Clause 4.3 states that the height of buildings not exceed the maximum height shown for the land on the Height of Buildings Map. The map specifies a maximum height of 60m. The proposal complies.

Clause 4.4A sets a maximum FSR of 6:1 for the site (having a site area is equal to or greater than 2000m<sup>2</sup> and a street frontage equal to or greater than 20 metres). The proposal complies in this regard.

Clause 4.6 relates to exceptions to development standards.

Clause 5.5 relates to development within the coastal zone and requires consideration to be given to the following matters:-

- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
  - (i) maintaining existing public access and, where possible, improving that access, and
  - (ii) identifying opportunities for new public access, and
- (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
  - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
  - (ii) the location, and
  - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
- (c) the impact of the proposed development on the amenity of the coastal foreshore including:
  - (i) any significant overshadowing of the coastal foreshore, and
  - (ii) any loss of views from a public place to the coastal foreshore, and
- (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
- (e) how biodiversity and ecosystems, including:
  - (i) native coastal vegetation and existing wildlife corridors, and
  - (ii) rock platforms, and
  - (iii) water quality of coastal waterbodies, and
  - (iv) native fauna and native flora, and their habitats, can be conserved, and
- (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
  - (i) on the proposed development, and
  - (ii) arising from the proposed development, and
- (g) the cumulative impacts of the proposed development and other development on the coastal catchment.

Consideration has been given to these matters and no concerns are raised. The development will not have any impact on the coastal foreshore through either direct or indirect impacts inclusive of amenity impacts. No impacts on coastal processes will result nor will be development be subject to any coastal hazards.

Clause 5.5(3) states that consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:

- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

- (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
- (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform.

Council can be satisfied of the above matters.

Clause 7.1 requires the consent authority to be 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 required. The applicant contends that the required utility infrastructure is available to the land and can be extended to service the proposed development.

Clause 7.3 relates to flood planning land and states that development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:

- (a) all habitable floor levels of the development will be above the flood planning level,
- (b) the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- (c) the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
- (d) the development will not affect evacuation from the land,
- (e) the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
- (f) the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,
- (g) if located in a floodway area—the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.

Consideration has been given to these matters by Council's Stormwater Section and concerns initially raised have been resolved through the submission of additional information and amended plans.

Clause 7.6 relates to earthworks and requires the consent authority to consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or of the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material or the destination of any excavated material,
- (f) the likelihood of disturbing Aboriginal objects or other relics,
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposal involves significant excavation. All of the above issues have been considered. A geotechnical report has been provided which details how soil stability can be managed during construction. A high water table exists through this area and this will require careful management during construction. Conditions of consent are recommended in relation to these matters.

Clause 7.13 relates to ground floor development on land within the business zones including the subject site. Clause 7.13(3) states 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 proposal satisfies these requirements.

Part 8 relates to the city centre. The identified objectives of this Part are as follows:

- (a) to promote the economic revitalisation of the Wollongong city centre,

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

The proposal is considered to be consistent with the above objectives where relevant.

Clause 8.4 specifies a minimum building street frontage in the B3 zone of 20m. The subject site complies with this requirement.

Clause 8.5 relates to construction of a new building or external alterations to an existing building and requires the consent authority to be satisfied that the development exhibits design excellence, having regard to the following matters:-

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
- (c) whether the proposed development detrimentally impacts on view corridors,
- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,
- (e) how the proposed development addresses the following matters:
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) impact on, and any proposed improvements to, the public domain.

Consideration has been given to the same matters which are currently contained within WCC LEP 2007, detailed above.

Clause 8.5(5) states that consent cannot be granted to buildings greater than 35m in height unless a design review panel has reviewed the design of the proposed development. It is noted that this provision has replaced the previous requirement for an architectural design competition contained within WCC LEP 2007. The Director-General has certified in writing that an architectural design competition is not required in this instance.

Clause 8.6 states that buildings within the B3 or B4 zones 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,
- (c) there is a distance of at least 28 metres from any other building at 45 metres or higher above ground level.

A variation is requested. This has been addressed above in relation to Clause 22D of WCC LEP 2007.

## 9 Wollongong City Centre Development Control Plan 2007

### 2.0 Building form

	<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
2.1	Building to street alignment and street setbacks		
	- Build to street alignment	Front fin walls abut front boundary; 4m above street frontage height	Yes
	- 4m min setback above street frontage height		
	- Minor projections into front setback up to 450mm for sun shading devices, entry awnings and cornices	Sun hoods encroaches into building line by more than 450mm.	No*
2.2	Street frontage heights in commercial core		
	- not less than 12m or greater than 24m above mean ground level	Street frontage height 14.412m	Yes
2.3	Building depth and bulk		
	- max floor plate 1200m <sup>2</sup> above 24m in height	- less than 1200m <sup>2</sup>	Yes
	- at street frontage height levels, articulate buildings using atria, light wells etc to improve internal amenity, daylight and ventilation	- lightwell provided at level 2 to benefit level below. Reduced building depth above podium level assists in improving natural light penetration	
	- all points on office floor to be no more than 12.5m from a source of daylight in buildings over 24m in height	- building is over 24m in height. Ground floor – applicant identifies that 22% of the floor is more than 12.5m from a window; Levels 1, 2 and 3 - 31m <sup>2</sup> and 28m <sup>2</sup> area does not comply (1.8% and 2.6% respectively); levels 4 – 10 - 31m <sup>2</sup> does not comply (2.8% of floor area on each floor).	No*
	- Maximum depth 25m	- depth is 37.5m above street frontage height (excluding levels 11 and 12)	No*
2.4	Side and rear building setbacks and building separation		
	- 0m side and rear setbacks up to street frontage height	0.4-1.6m setback up to street frontage height	Yes
	- 6m min side and rear setbacks between street frontage height and 45m	6m setbacks to southern (side) and rear boundary	Yes
	- 14m rear and side setback above 45m	6.221m and 8.297m rear setback to lift core of levels 11 and 12; 14.45m to services floor and 14m to level 12	No*
	- 12m building separation between multiple buildings	- 1.0-3.06m between	No in



	on the same site (less than 45m in height) and 28m at height greater than 45m	buildings at the street frontage height; and 3.06m between street frontage height and 45m	relation to lift core*
2.5	Mixed use buildings	N/A	N/A
2.6	Deep soil zone	N/A	N/A
2.7	Landscape design		
	- consider Council's Landscape Guidelines, and Public Domain Technical Manual - maintain remnant vegetation where possible; - long term management plan required	Landscape plan has been prepared which addresses these issues. If approved, conditions will be applied requiring compliance with Council's Public Domain Technical Manual	Yes
2.8	Planting on structures		
	Design for optimal plant growth conditions	Podium planting proposed at level 3; planter depth 600mm; designed for low maintenance	Yes
2.9	Sun access planes	N/A	
		Shadowing from proposed building will not cross onto MacCabe Park	N/A

\* variation requested by the applicant

### Section 2.1

The sunhoods located on the front elevation of the building (levels 2 and 3) encroach into the front setback. The DCP provides for projections into the front setbacks if the projections are no more than 450mm from the building wall. The proposed functional sun mitigating fin will project further than 450mm from the building wall.

The applicant states that,

“Although greater than 450mm, the projection is considered acceptable as it meets the objectives of Section 2.1 and 3.7 of the WCCDCP 2007:

- The proposal does not depart from the hierarchy of street edges;
- The minimal projection will not adversely impact upon the desired spatial proportions of the street, the street edge is still defined;
- There is a clear transition between public and private space as the projected element has a clear role in the function of the building (ie sun screens);
- The active uses are located adjacent to pedestrian activity areas;
- No apartments are proposed as part of this application;
- The proposed development does provide a good quality entry space to the lobby area. This element has been architecturally designed to be functional yet a design element;
- The projections do not adversely restrict outlook to, and surveillance of, the street;
- The landscape concept includes street trees;
- The proposal includes principles of view sharing as detailed in section 5.6 below;
- It provides a distinctive design element that enhances the buildings perception from the streetscape and adds character which helps break up the mass of the building;
- The projection will not detract from significant views as detailed within the DCP;

- The proposed projection is minor when viewed in the context of the building; and
- The projection will not result in any adverse overshadowing.”

Comment: - the sun fins add additional detailing to the building, adding interest to the front elevation. The minor projection into the front setback will have no impact on the public domain and will not be readily perceptible within the streetscape as an encroachment. This variation is supported.

### Section 2.3

The applicant has requested variations in relation to the building depth and bulk controls. As noted in the table above, the depth of the building exceeds 25m and areas of commercial floor space will be outside of the maximum specified distance from a source of daylight. The applicant has provided diagrams to illustrate the extent of floor area that does not comply. The total floor area which does not comply across the building is 734m<sup>2</sup> which represents only a small proportion of the overall floor area. The following justification for the departures has been provided by the applicant:-

“Despite this non-compliance, the proposal is consistent with the objectives of Section 2.3 of the DCP in that:-

- The proposal seeks a 5 star certification of the Green Building Council of Australia’s Green Star Office Design rating scheme and a 5 star certification of the NSW Department of Environment and Climate Change’s Australian Building Greenhouse Rating Scheme and therefore is considered sustainable and energy efficient;
- The proposed floor plate areas are considered more viable and usable in the current market, where smaller areas are in less demand;
- The proposal complies with maximum floor plate size;
- The non-compliance will not have an adverse impact upon the skyline. The proposal will change the skyline, however taking into consideration the maximum height limit of the site, the proposed skyline is considered consistent with Council’s strategic vision;
- View sharing and view corridors will not be adversely impacted when considered in a city centre context. As defined in section 3.9 of the WCC DCP, the site is not within the area of district panoramic views to the escarpment or framed views along streets; and
- There is a degree of modulation within the building, which, along with the selection of materials, minimises any impact with relation to a bulky presentation. The building has a clear and defined base at the street frontage, middle from the street frontage to 45m and a top which tapers in above 45m. This modulation provides proportion to the building whilst reducing the perception of bulk.”

Comment: while the depth of the building exceeds the maximum 25m prescribed by the DCP, the proposed floor plates comply with the cited maximums and only a small percentage of the overall floor area of the offices will be outside of the nominated distance from windows. This variation will not affect the environmental performance of the proposed building and will not affect the amenity of its occupants. It is noted that the building has been designed to be energy efficient with the objective of achieving a 5 star certification from the Green Building Council of Australia. Further, the building will not be overly bulky. This variation is supported.

### Clause 2.4

The applicant has provided the following justification in relation to the rear setbacks above 45m in height:-

“The DCP requires all uses above 45m to be setback 14m from the rear boundary. The rear setbacks are between 6.22m and 8.297m for the core above 45m. All other components of the rear setback are at least 14m from the boundary.

The objectives for setbacks within the WCC DCP 2007 include:

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

Although not complying, the proposal does meet the objectives of setbacks in the DCP. It is viewed that the encroachment of the setbacks is acceptable to provide an attractive urban design outcome for the building whilst retaining its functionality.”

Comment: the variation sought is minor. It relates to the lift core on the 2 upper levels of the building only. The reduced setback to this core will have no impact. It is noted that the building complies with the rear setback otherwise.

### 3.0 Pedestrian amenity

	<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
3.1	Permeability		
	<ul style="list-style-type: none"> <li>- through site links to be provided in accordance with Fig 3.1 of DCP – identifies path crossing west-east through the site.</li> <li>- pathways must have active frontages; be clear and direct; provide access during business trading times; have a minimum width of 4m clear of all obstructions;</li> </ul>	An existing site link is available through the ‘Hatch’ building located within the northern part of the site. The site link provides for pedestrian movement between Atchison Street and Kenny Street.	Yes
3.2	Active street frontages		
	<ul style="list-style-type: none"> <li>- active street frontage (entrance to retail, shop front, glazed entries to commercial lobbies, café/restaurant, active office uses such as reception) required along streets, lanes and through site links for all buildings</li> <li>- active ground floor uses are to be on the same level as the footpath and be accessible directly from the street;</li> </ul>	<p>Glazed front wall of office and entry lobby provide an active street frontage in accordance with this clause, though the floor level of the ground floor office is above footpath level, which is required primarily for flood hazard reduction purposes.</p> <p>A ramp provides access to the lobby which is acceptable.</p>	Yes and no
3.3	Safety and security		
	<ul style="list-style-type: none"> <li>- building design to provide for casual surveillance of access ways, entries and driveways</li> <li>- avoid providing concealment opportunities</li> <li>- provide entrances in visually prominent positions; easily identifiable;</li> <li>- adequate lighting of pedestrian accessways, parking areas and entries</li> <li>- provide clear lines of sight and well-lit routes through the development</li> <li>- casual surveillance of public pathway</li> <li>- safer by design assessment to be provided by a</li> </ul>	<ul style="list-style-type: none"> <li>- casual surveillance of entry and pathway has been provided</li> <li>- concealment opportunities avoided; entrances are located so as to be visually prominent and are readily identifiable.</li> <li>- lighting not detailed but can be conditioned if consent is granted.</li> <li>- clear lines of sight provided</li> <li>- minimal surveillance of public pathway provided</li> <li>- CPTED report provided</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Can be conditioned</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Can be</p>

	qualified consultant - security controls where appropriate	by qualified consultant - not detailed, but can be conditioned if approved	conditioned
3.4	Awnings		
	- continuous street awning required across frontage	- awning has been provided across the entire front elevation of the building.	Yes
	- awning design to match building facades and be complementary to adjoining buildings	- awning design is reasonable	Yes
	- min soffit height 3.3m; low profile, slim vertical fascias not to exceed 300mm height; setback 1.2m from the kerb; min 2.4m deep.	- awning materials and dimensions are acceptable	Yes
	- provide under awning lights to facilitate night-time use and improve public safety.	- a condition has been recommended for imposition which requires the installation of under-awning lighting	Yes
3.5	Vehicle footpath crossings		
		No additional vehicular footpath crossings proposed; development will share existing crossing	N/A
3.6	Pedestrian overpasses and underpasses		
		None proposed	N/A
3.7	Building exteriors		
	- consider new buildings in terms of appropriate alignment and street frontage heights; setbacks, appropriate finishes and materials; façade proportions	- building has been designed to complement the neighbouring 'Hatch' building – similar materials and colours to be used; similar building forms, setbacks, proportions	Yes
	- balconies and terraces should be provided on low rise parts of buildings; gardens encouraged	- planter beds provided on top of podium	Yes
	- articulate facades	- facades somewhat articulated	Yes
	- high quality/durable materials and finishes to be used	- durable materials to be used	Yes
	- avoid expanses of any one material	- material selection is considered to be appropriate	Yes
	- limit opaque or blank walls for ground floor uses to 30% of the frontage	- no blank or opaque walls at ground level	Yes
	- break glazing into sections to avoid large expanses	- Reasonably large expanses of unbroken glass above street frontage height the southern elevation. It is noted that	Yes

	<ul style="list-style-type: none"> <li>- highly reflective finishes and curtain wall glazing are not permitted above ground floor level</li> <li>- materials sample board to be provided with DA</li> <li>- minor projections up to 450mm from building walls may extend into public space but only if it does not contribute to gross floor area and there is a public benefit such as expressed cornice lines that assist in enhancing the streetscape, protections such as entry canopies that add visual interest and amenity. Projections should not detract from significant views and vistas</li> <li>- roof plant rooms and lift overruns to be integrated into overall design of building</li> </ul>	<p>this elevation will be partly obscured by a future building on the site to the south</p> <ul style="list-style-type: none"> <li>- applicant indicates that glazing has a reflectivity index of less than 20%</li> <li>- detailed sample board has been provided</li> <li>- the applicant states that the sun mitigating fin encroaches more than 450mm from the wall of the building.</li> <li>- Lift core and plant rooms integrated into the design</li> </ul>	<p>Yes</p> <p>Yes</p> <p>No (variation requested as addressed above)*</p> <p>Yes</p>
3.8	Advertising and signage	No signs proposed	N/A
3.9	Views and view corridors		
	<ul style="list-style-type: none"> <li>- existing views identified in the DCP to be protected where practical</li> </ul>	Site is located outside of distant panoramic view field. No framed views along Atchison street have been identified by the plan.	N/A

In relation to Clause 3.7, the applicant has provided the following justification in relation to the 'functional sun mitigating fin' which projects further than 450mm from the building wall:-

"Although greater than 450mm, the projection is considered acceptable as it meets the objectives of Sections 2.1 and 3.7 of the DCP:-

- The proposal does not depart from the hierarchy of street edges;
- The minimal projection will not adversely impact upon the desired spatial proportions of the street. The street edge is still defined;
- There is a clear transition between public and private pace as the projected element has a clear role in the function of the building (ie sun screens);
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- The proposal includes principles of view sharing;
- It provides a distinctive design element that enhances the buildings perception from the streetscape and adds character which helps break up the mass of the building;
- The projection will not detract from significant views as detailed within the DCP;
- The proposed projection is minor when viewed in the context of the building; and
- The projection will not result in any adverse overshadowing."

This variation has been considered above in relation to setbacks and is supported.

#### 4.0 Access, parking and servicing

<i>Controls/objectives</i>		<i>Comment</i>	<i>Compliance</i>
4.1	Pedestrian access and mobility		
	- main building entries to be clearly visible from primary frontage; enhanced with awnings, signage or high quality architectural features that improve the clarity of building address and contribute to visitor and occupant amenity	Main entry clearly identified by entry canopy structure.	Yes
	- facilities and carparking for disabled people to comply with AS 1428.1 and AS2890.1 and the DDA 1992	Disabled car parking has been provided in accordance with AS2890.1 and AS1428.1.	Yes
	- at least one main pedestrian entrance; convenient barrier-free access to ground floor	Main pedestrian access offers barrier free access to ground floor; 1:15 access ramp to front door.	Yes
	- pedestrian access ways, entry paths and lobbies – durable materials commensurate with adjoining public domain to be used	Floor tiles proposed.	Yes
	- entrance levels and paths to comply with grades in AS1428.1, AS2890.1 and DDA 1992	Yes – 1:15 grade ramp from the footpath into the main pedestrian entrance.	Yes
4.2	Vehicular driveways and manoeuvring areas		
		Vehicular access is to be obtained via the existing footpath crossing into the basement of the neighbouring 'Hatch' building. The basements are interconnected.	Yes
4.3	On-site parking		
	- must comply with AS2890.1	Designed to comply	Yes
	- car parking and associated manoeuvring areas surplus to requirements are to included in the GFA of the building	The area of surplus car spaces has been included in the gross floor area of the building	Yes
	- min 1% of car parking provided to suit disabled persons	Three (3) spaces provided	Yes
	- car parking to comply with stated parking rates	Refer to table below	Yes
	- on site parking to be provided underground or integrated into the design of the building	All car parking has been provided within basement car park	Yes
	- natural ventilation should be provided to underground parking areas where possible, with grills and structures to be integrated into overall design; not located on the primary street frontage and oriented away from windows of habitable rooms etc	Applicant indicates that the basement will be mechanically ventilated	
	- change and shower facilities required for cyclists, close to bike storage areas	Existing change room facilities within the 'Hatch' building on the same level as the bike storage areas	Yes

#### 4.4 Site facilities and services

- mailboxes – accessible location; integrated into a wall secure and sufficient size for newspapers, etc	Mail boxes not detailed but could be accommodated within entry foyer. Can be conditioned if consent is granted	Can be conditioned
- communication structures, air conditioners and service vents – to be located away from street frontages; integrated into roof space; setback from edge of roof	Not detailed, but could be accommodated on roof with minimal visual impact – can be conditioned if consent is granted	Can be conditioned
- waste storage and collection - adequate areas required on site for handling and storage; access preferred from side streets; designed and located to allow adequate manoeuvring, no adverse noise impact on sensitive receivers and screened from view. Must be located within the basement or at ground level with no visual impact	Garbage storage area has been provided within the basement of the existing 'Hatch' building. This area will be shared	Yes
- service docks and loading/unloading areas – provide adequate area on site; preferably locate access from side streets; screen service doors and docks; circulation to comply with AS 2890.1.	Loading areas have been provided within the basement levels, will be accessed via existing driveway entrance into the 'Hatch' building.	Yes
- fire and emergency services – access to site required if vehicles cannot park within the road reserve due to distance to hydrant	Access to site not available. Access from road reserve in the event of an emergency is available	Yes
- utility services – provision to be made for all essential services (water, power, sewerage, telecommunications and stormwater drainage)	Applicant states that services are available to the site and can be extended to service the proposed development. Conditions can be imposed in this regard if consent is granted to the proposal.	Yes

#### Parking Rates

USE	Requirement - Cars	Requirement - Bicycles	Requirement - Motorbikes
General office development	<p>Proposed building – 1 space per 75m<sup>2</sup> of GFA (11,189m<sup>2</sup>) – required car parking = 149.2 (say 150) spaces</p> <p>Existing building – 5211m<sup>2</sup> - required car parking = 69.48 (say 70) spaces. <b>Total site car parking required = 220 spaces</b></p>	<p>1 space per 200m<sup>2</sup> for employees + 1 space per 750m<sup>2</sup> for visitors</p> <p>Commercial GFA proposed building 11,189m<sup>2</sup> – required 55.965 (say 56) required for employees and 15 spaces required for visitors = 71 spaces</p> <p>Existing building – GFA 5211m<sup>2</sup> – 26 for employees and 7 spaces</p>	1 space per 25 car spaces = 8.8 (say 9) spaces

		for visitors. Total site bike parking required = 104 spaces	
Retail including cafes	Proposed building – 1 space per 25m <sup>2</sup> of GFA (89m <sup>2</sup> ) – required car parking = 3.56 (say <b>4</b> ) <b>spaces</b> Existing building – 2.56 (say <b>3</b> ) <b>spaces</b>	-	1 motorbike space per 25 car spaces = 1 space required
<b>TOTAL REQUIRED</b>	227 spaces across the site including the existing 'Hatch' building	104 spaces	10 spaces
<b>TOTAL PROVIDED</b>	254 across the site, though it is noted that 4 spaces within basement Level C are required to be removed to ensure adequate access. Accordingly the total car parking provision will be 250 spaces	104 spaces	10 spaces
Compliance?	Yes Excess car parking spaces have been included in the GFA of the building	Yes	Yes

## 5.0 Environmental management

	<i>Controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
5.1	Energy efficiency and conservation		
	<ul style="list-style-type: none"> <li>- efficient control of mechanical spaces heating and cooling</li> <li>- efficient hot water systems</li> <li>- reduce reliance on artificial lighting</li> <li>- energy efficiency report to be provided which demonstrate a commitment to achieve no less than a 4 star rating under the Australian Building Greenhouse Rating Scheme</li> </ul>	These issues have been addressed within the ESD report lodged with the DA. Developer seeks to achieve a 5 star rating	Yes
5.2	Water conservation		
	- incorporate the following water saving measures – energy efficient fixtures, taps, appliances; stormwater capture and reuse; select water efficient plants for landscaping; use non-potable water for watering landscaping and landscape features; operating details for pools and water features.	ESD report indicates that the development will incorporate rainwater harvesting and reuse and energy and water efficient appliances.	Yes
5.3	Reflectivity		
	<ul style="list-style-type: none"> <li>- new buildings should not result in glare that causes discomfort or threatens safety to drivers or pedestrians</li> <li>- visible light reflectivity from building materials should not exceed 20%</li> </ul>	The applicant states that reflectivity from building materials will not exceed 20%. This can be conditioned if consent is granted	Yes, can be conditioned



<b>5.4 Wind mitigation</b>			
	- to ensure public safety and comfort, the following maximum wind criteria shall be met by new buildings – 16 metres/second	Wind effects report has been lodged with the DA which provides certain recommendations to ensure that the maximum wind criteria can be met.	Yes
	- site design for new buildings shall include:- setback tower from lower structures to protect pedestrians from strong wind downdrafts at the base of the tower; ensure that tower buildings are well spaced to allow breezes to penetrate the city centre; ensure usability of open terraces and balconies.  - wind effects report to be submitted for all buildings greater than 32m in height and for buildings over 50m, results of a wind tunnel test are to be included in the report	Report provided; includes results of a wind tunnel test.	Yes
<b>5.5 Waste and recycling</b>			
	- all development must comply with Council's Technical Policy for the Management of All Wastes Associated with Building Sites	This issue can be conditioned if consent is granted	Yes
	- waste management plan to be provided that addresses recycling and reuse of construction and demolition materials; use of sustainable building materials; handling methods and location of waste storage areas; procedures for ongoing sustainable management of wastes including estimated volumes, required bin capacity and on-site storage requirements	A demolition/ construction waste management plan provided. The ESD report addresses use of sustainable building materials. An operational waste management plan has been provided which details how waste will be managed. This plan details how recyclable waste will be stored and collected; and general waste handling.	Yes

## 10 Wollongong Section 94A Development Contributions Plan 2009

The applicant has provided a detailed cost estimate report in accordance with the plan. The estimated cost of works is \$31,492,527 and a Section 94A levy is therefore applicable. A condition of consent has been imposed in this regard.

## 11 DCP 54 – Managing Flood Risk

The subject site is known to be flood prone. Council's Stormwater Division has considered the proposal and initially raised some concerns. These have been resolved through the submission of amended plans and additional information.

## 12 Consultation

### 12.1 Notification Policy

The application was notified in accordance with Council's "Development Assessment and Compliance Notification Policy". The notification period ended on 28 January 2010. At the conclusion of the notification period, there was one (1) submission received which raised the following (summarised) issues of concern:-

#### 1. *Height*

- The proposed height of the building is ridiculous; it will tower over and overshadow everything in the street.
- The city centre is being destroyed by towering buildings being approved by Council; most exceed the most recent height limits and floor space ratios.
- The building height proposed exceeds all limits applying to this street.
- The building should be limited to the height of the 'Hatch' building.

## 2. *Traffic*

- The traffic situation in Atchison Street will become much worse if this development is approved. There is a large residential development approved on the adjoining land to the south which will further exacerbate the existing traffic problem.

Comments:-

The building height proposed is consistent with the applicable height limits contained within WCC LEP 2007. The shadow diagrams supplied with the proposal indicate significant overshadowing of the neighbouring properties to the south, particularly during winter. Significant overshadowing cannot be avoided given the orientation of the site and the relevant height limits permitted within the City Centre.

No concerns have been raised in relation to traffic generation by Council's Traffic Section or the RTA.

## 12.2 Internal consultation

### Geotechnical Engineer

Council's Geotechnical Engineer has reviewed the applicant's geotechnical report and has noted several geotechnical constraints which will need to be addressed during the structural design and construction stages. These include shallow depths of groundwater, adjoining development bearing within the zone of influence of proposed excavations and the potential for significant settlements in the very soft clayey soils. Close geotechnical supervision will be required during construction to ensure there are no adverse affects on the adjoining properties. This issue can be dealt with through consent conditions.

### Stormwater

Initial concerns raised in relation to flooding and stormwater management have been resolved through the submission of amended plans and additional information. The proposal is now satisfactory subject to conditions.

### Landscaping

No concerns have been raised subject to the imposition of conditions as recommended.

### Traffic

No concerns have been raised subject to the imposition of conditions as recommended.

### Building

No concerns have been raised subject to the imposition of conditions as recommended.

### Works and Services

No concerns were raised subject to the imposition of conditions.

### SCAT

The Safer Community Action Team (SCAT) requires the implementation of the recommendations contained within the CPTED report. This can be conditioned if consent is granted.

## 12.3 External consultation

### NSW Roads & Traffic Authority RTA

The Regional Development Committee reviewed the proposed development and, whilst not objecting to the proposal in principle, raised a number of issues for Council and the applicant's further consideration.

These issues have been resolved through the submission of additional information and consent conditions. Council's Traffic Section is now satisfied with the proposal and has recommended conditions which should be imposed if consent is granted.

#### Department of Planning (DoP)

The Director-General of the DoP has granted his concurrence to the proposed departure from the building separation controls contained within Clause 22D of WCC LEP 2007.

### **13 Conclusion & Recommendation**

The proposed development has been assessed having regard to the relevant matters for consideration prescribed by Section 79C of the Environmental Planning & Assessment Act 1979. The proposed development is permitted with consent and is generally consistent with the provisions of Wollongong City Centre LEP 2009, Wollongong LEP 2009 and Wollongong City Centre DCP 2007, with the exception of some variations which have been outlined above. The variations are supported.

Concerns initially raised by Council's Traffic and Stormwater Divisions have been resolved through the submission of additional information. The one (1) submission of objection received has been considered in the assessment of this proposal.

It is recommended that the Joint Regional Planning Panel approve Development Application 2009/1582 pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, subject to recommended conditions, as detailed in Attachment 5.

### **ATTACHMENTS**

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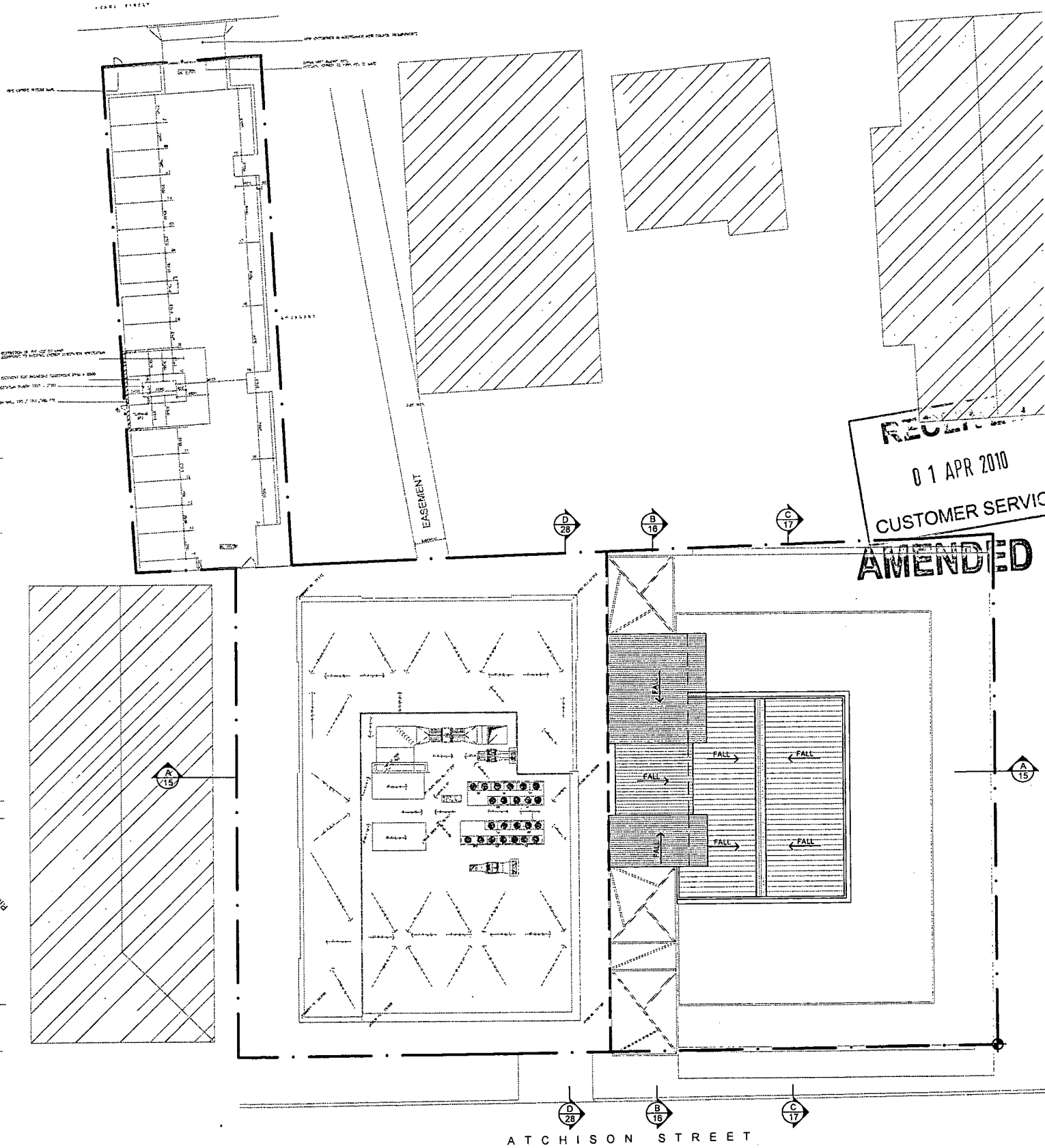
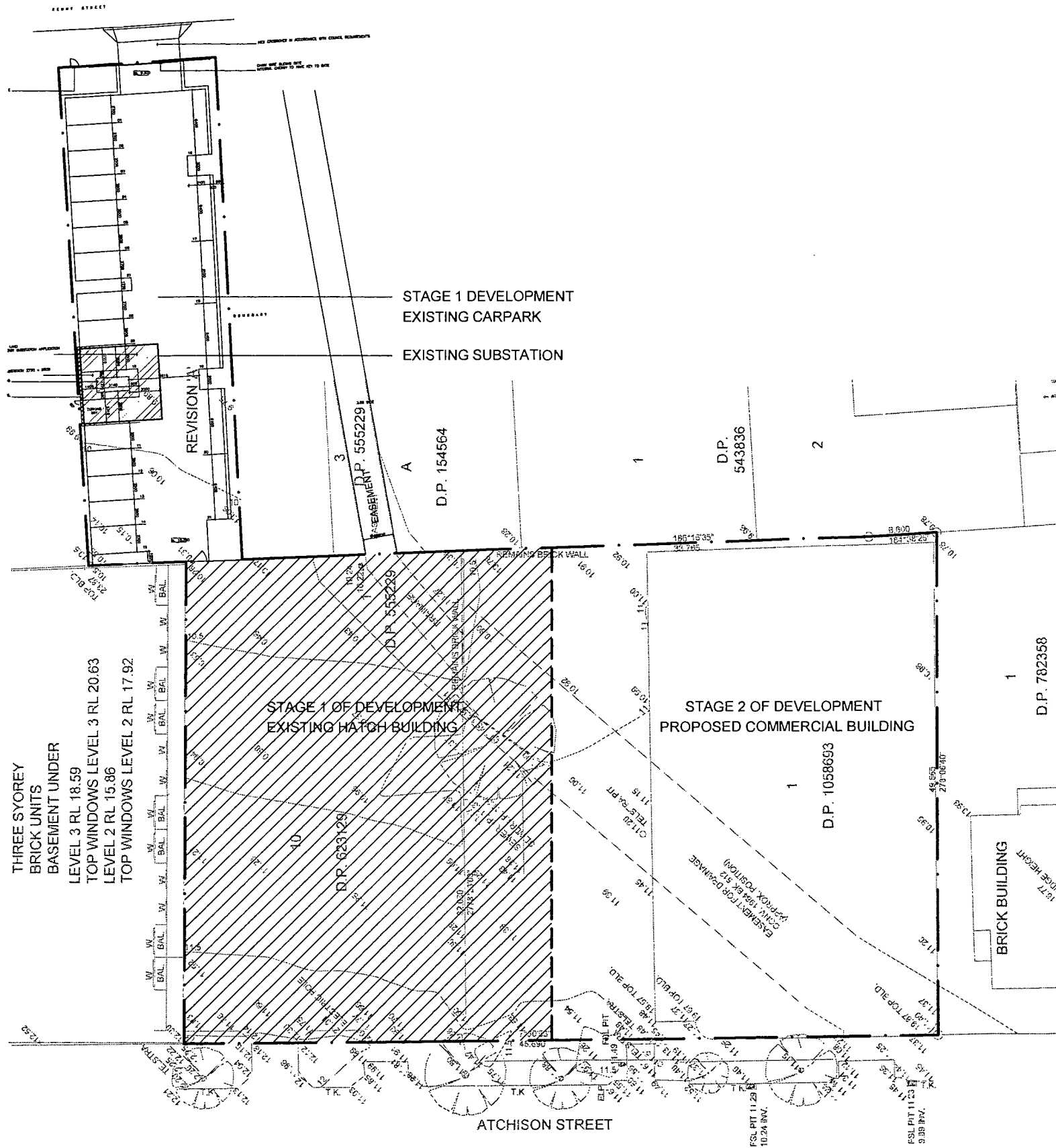
1. Aerial Photograph
2. Zoning Map
3. Plans
4. Submission of Objection
5. Draft Conditions

Attachment 1 – Aerial Photograph



Attachment 2 – Zoning Map





RECEIVED  
01 APR 2010  
CUSTOMER SERVICE  
AMENDED

REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

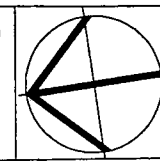
DISCLAIMER  
All dimensions are in millimeters. Verify all dimensions on site prior to commencement of any work. Copyright of DWA.

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



Shop 4, 145 Balgownie Road, Balgownie 2519  
P.O. Box 3091, Balgownie NSW 2519  
Tel: (02) 4284 2664  
Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

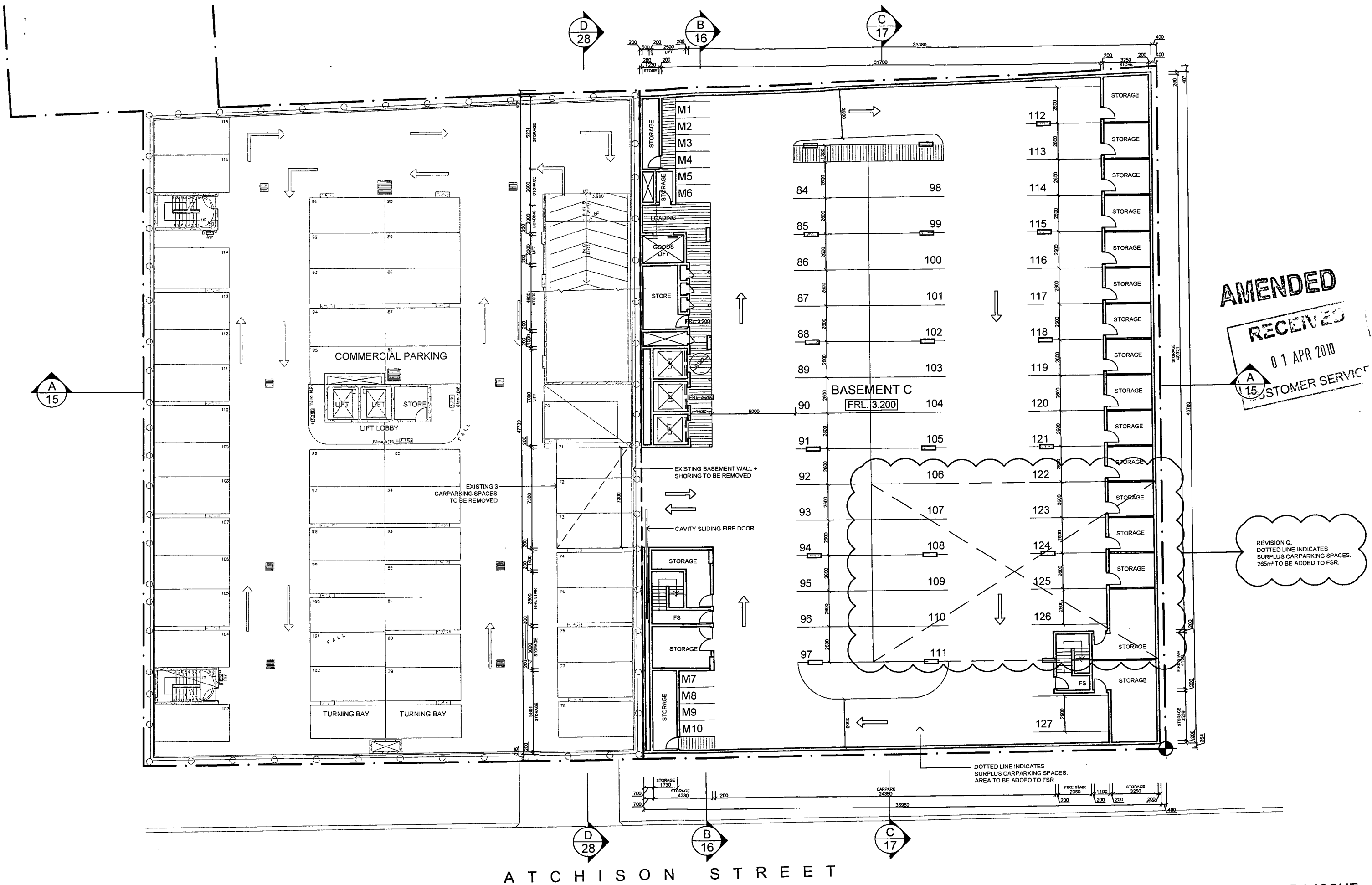


CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: STAGING PLAN + SITE PLAN + ROOF PLAN

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:500  
QA: RG  
PROJECT No. 204  
DWG No. DA-04-P

DA ISSUE





ATCHISON STREET

REF.	DATE	AMENDMENT
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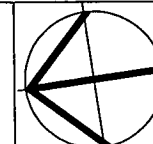
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Q	01.04.10	ADDITIONAL INFORMATION FOR WCC

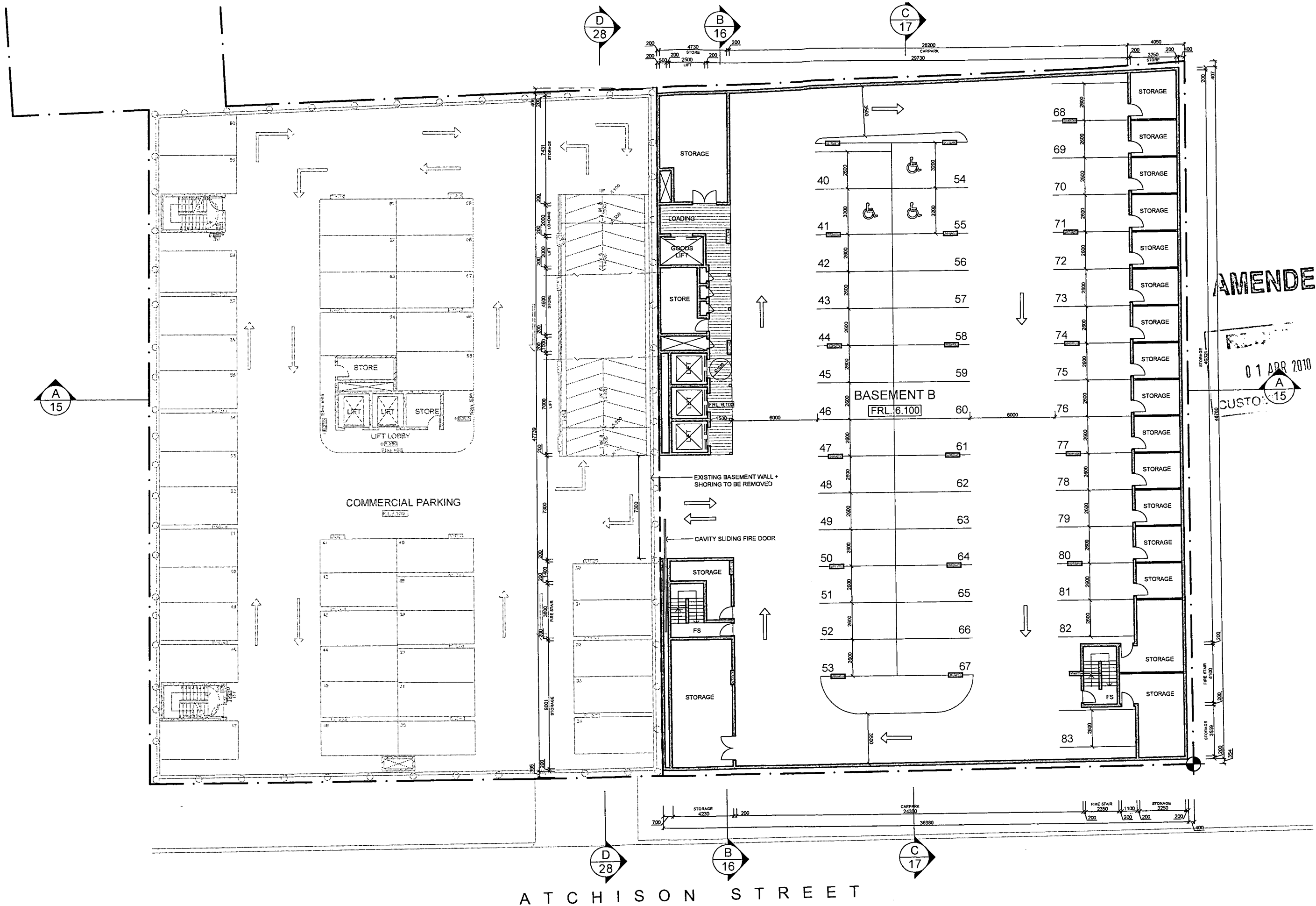


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CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: BASEMENT C FLOOR PLAN

DA ISSUE  
DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-05-Q



ATCHISON STREET

REF.	DATE	AMENDMENT
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E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

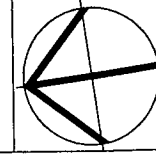
DISCLAIMER  
All dimensions are in millimeters. Verify all dimensions on site prior to commencement of any work. Copyright of DWA.

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



Shop 4, 145 Balgownie Road, Balgownie 2519  
P.O. Box 3091, Balgownie NSW 2519  
Tel: (02) 4284 2664  
Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

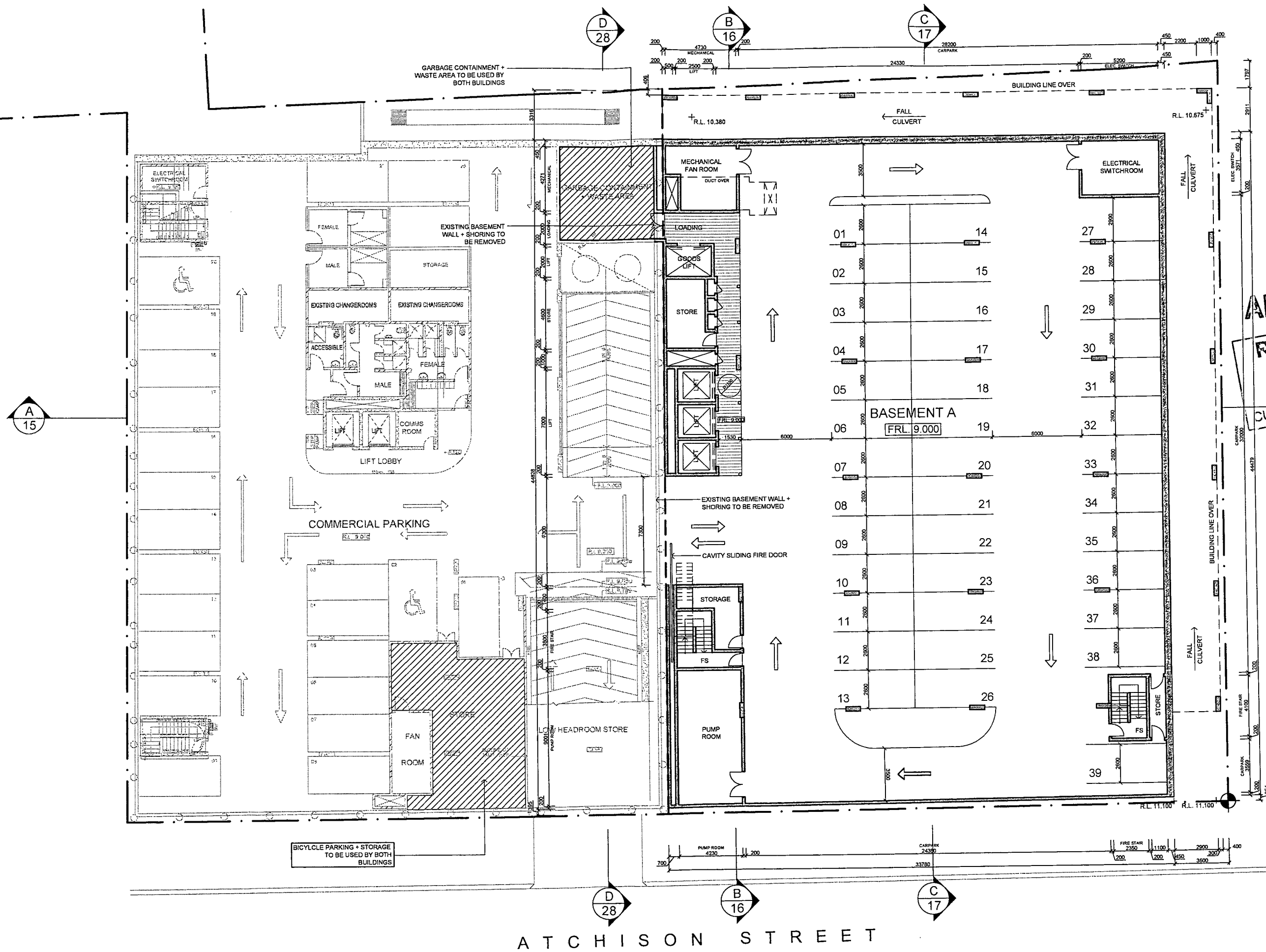


CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: BASEMENT B FLOOR PLAN

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-06-P

DA ISSUE





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01 APR 2010  
CUSTOMER SERVICE

ATCHISON STREET

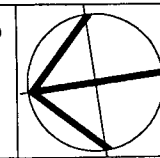
REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



Shop 4, 145 Balgownie Road, Balgownie 2519  
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Web: http://www.designworkshop.com.au

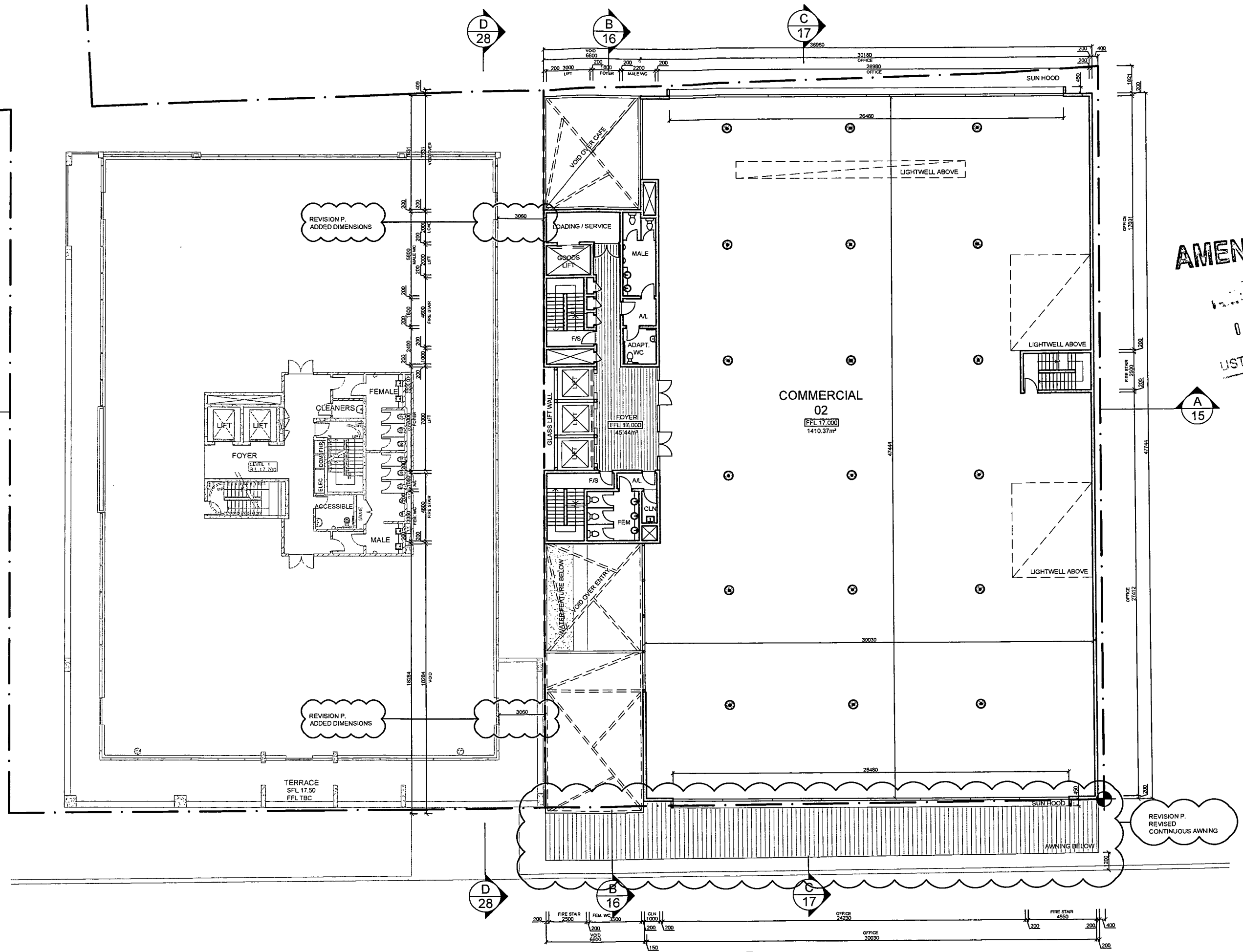


CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: BASEMENT A FLOOR PLAN

DATE: JUN 09	PROJECT No. 204
DRAWN: MM,AK,PL	DWG No. DA-07-P
SCALE: 1:250	
QA: RG	

DA ISSUE





**AMENDED**  
 01 APR 2010  
 CUSTOMER SERVICE

ATCHISON STREET

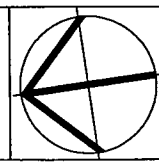
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B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC

**DWA**  
 DESIGN WORKSHOP AUSTRALIA

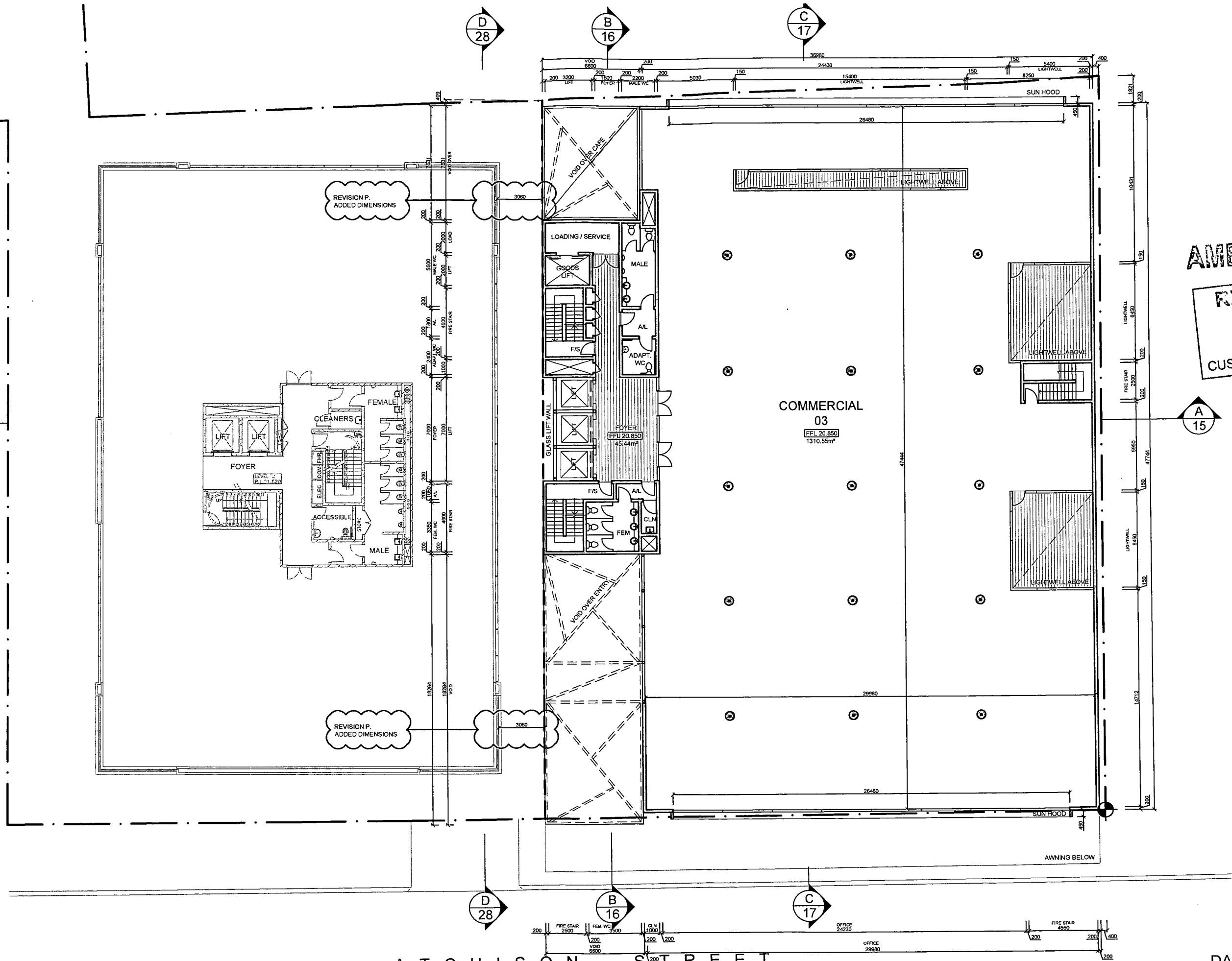
Shop 4, 145 Balgownie Road, Balgownie 2519  
 P.O. Box 3091, Balgownie NSW 2519  
 Tel: (02) 4284 2664  
 Email: info@designworkshop.com.au  
 Web: http://www.designworkshop.com.au



CLIENT:	REALTA PROPOSED COMMERCIAL DEVELOPMENT
ADDRESS:	LOT 2, D.P. 1080428 25 ATCHISON STREET, WOLLONGONG NSW 2500
DRAWING NAME:	LEVEL 1 FLOOR PLAN

DATE:	JUN 09	PROJECT No.	204
DRAWN:	MM,AK,PL	DWG No.	DA-09-P
SCALE:	1:250		
QA:	RG		

DA ISSUE



AMENDED  
RECEIVED  
01 APR 2010  
CUSTOMER SERVICE

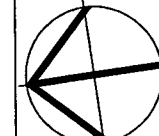
REF.	DATE	AMENDMENT
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B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



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Web: http://www.designworkshop.com.au

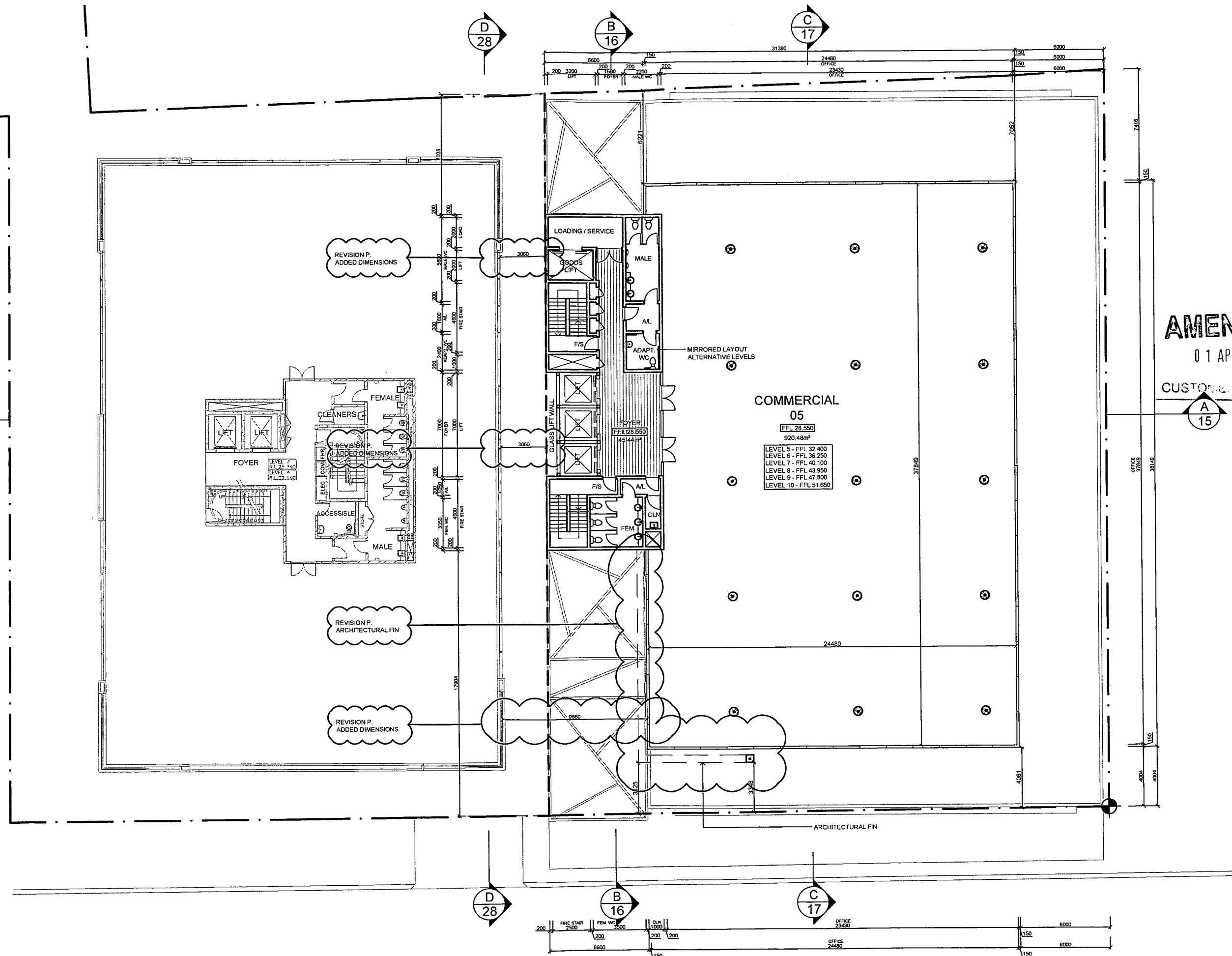


CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: LEVEL 2 FLOOR PLAN

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-10-P

DA ISSUE





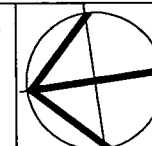
REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
	11.08.09	AMENDED RAMP AND ADAPT. WC
	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING
DISCLAIMER		
All dimensions are in millimeters. Verify all dimensions on site prior to commencement of any work. Copyright of DWA.		

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



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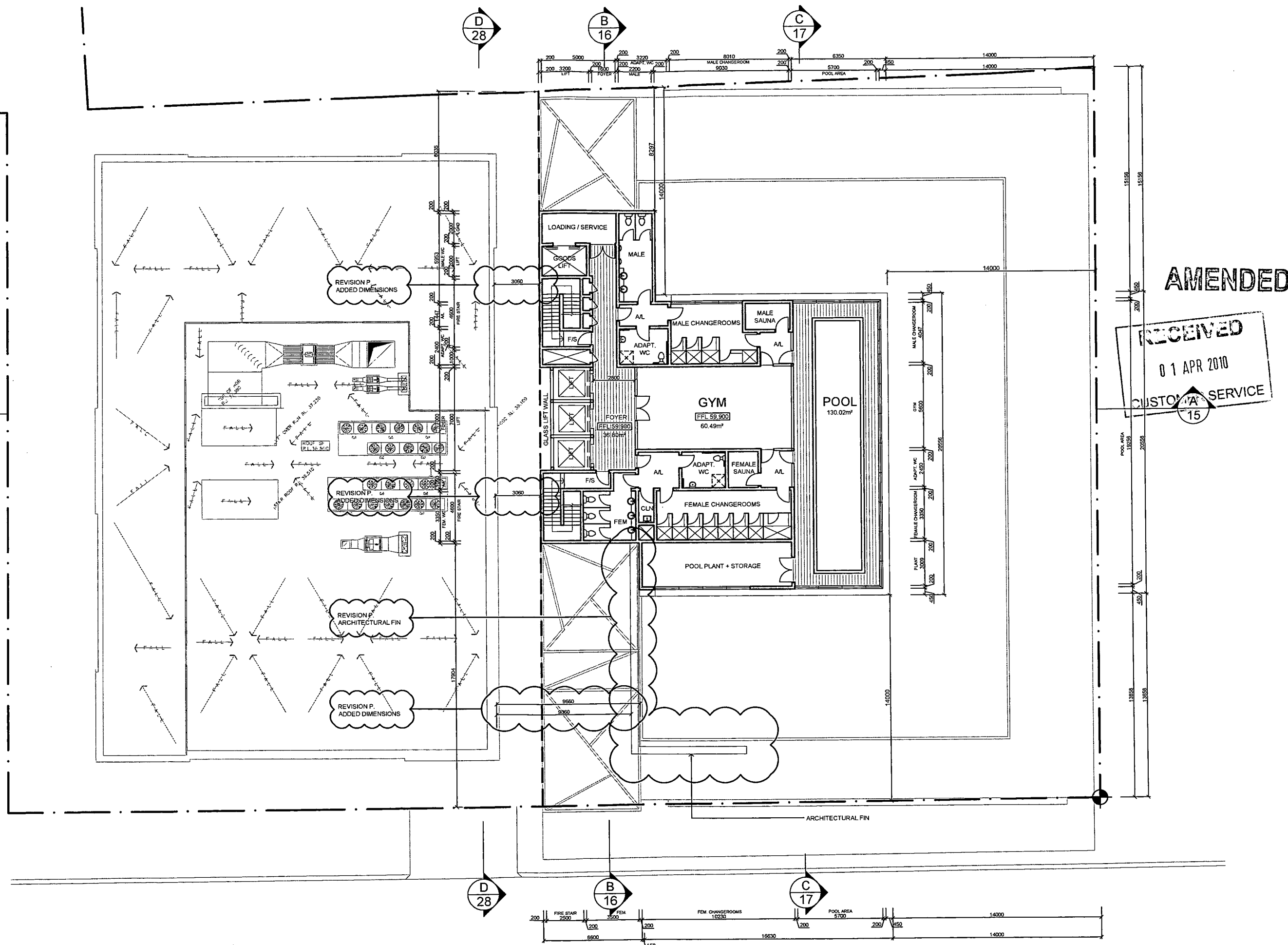


CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: TYPICAL FLOOR PLAN (LEVELS 4 - 10)

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-12-P







**AMENDED**

**RECEIVED**

01 APR 2010

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ATCHISON STREET

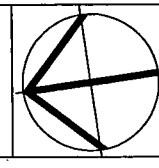
REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



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Web: <http://www.designworkshop.com.au>



CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT

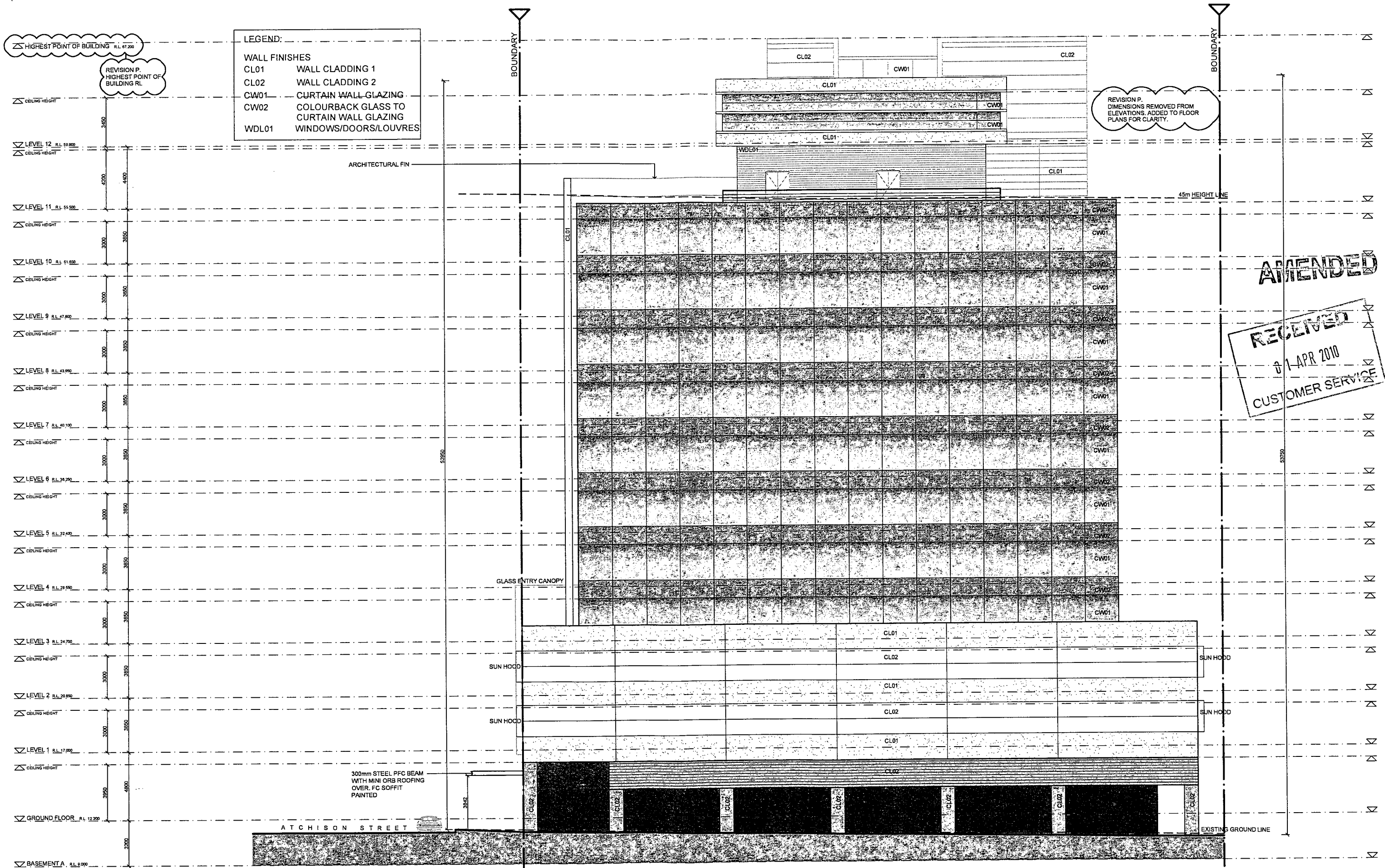
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500

DRAWING NAME: LEVEL 12 FLOOR PLAN

DATE: JUN 09	PROJECT No. 204
DRAWN: MM,AK,PL	DWG No. DA-14-P
SCALE: 1:250	
QA: RG	

DA ISSUE





REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

DISCLAIMER  
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REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC

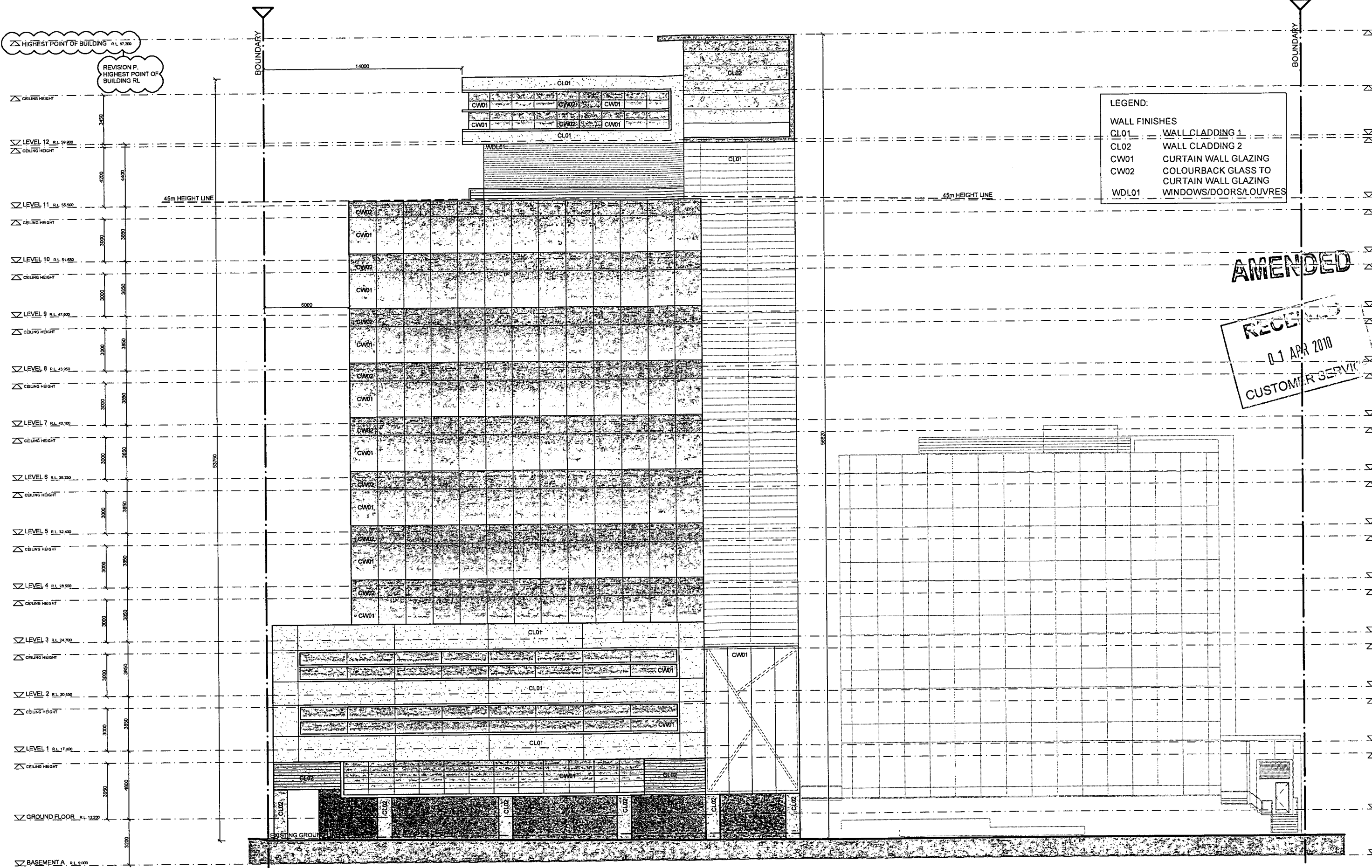


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Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: SOUTH ELEVATION

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-19-P

DA ISSUE



REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

DISCLAIMER  
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REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
H	20.10.09	DAYLIGHT PENETRATION
I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC

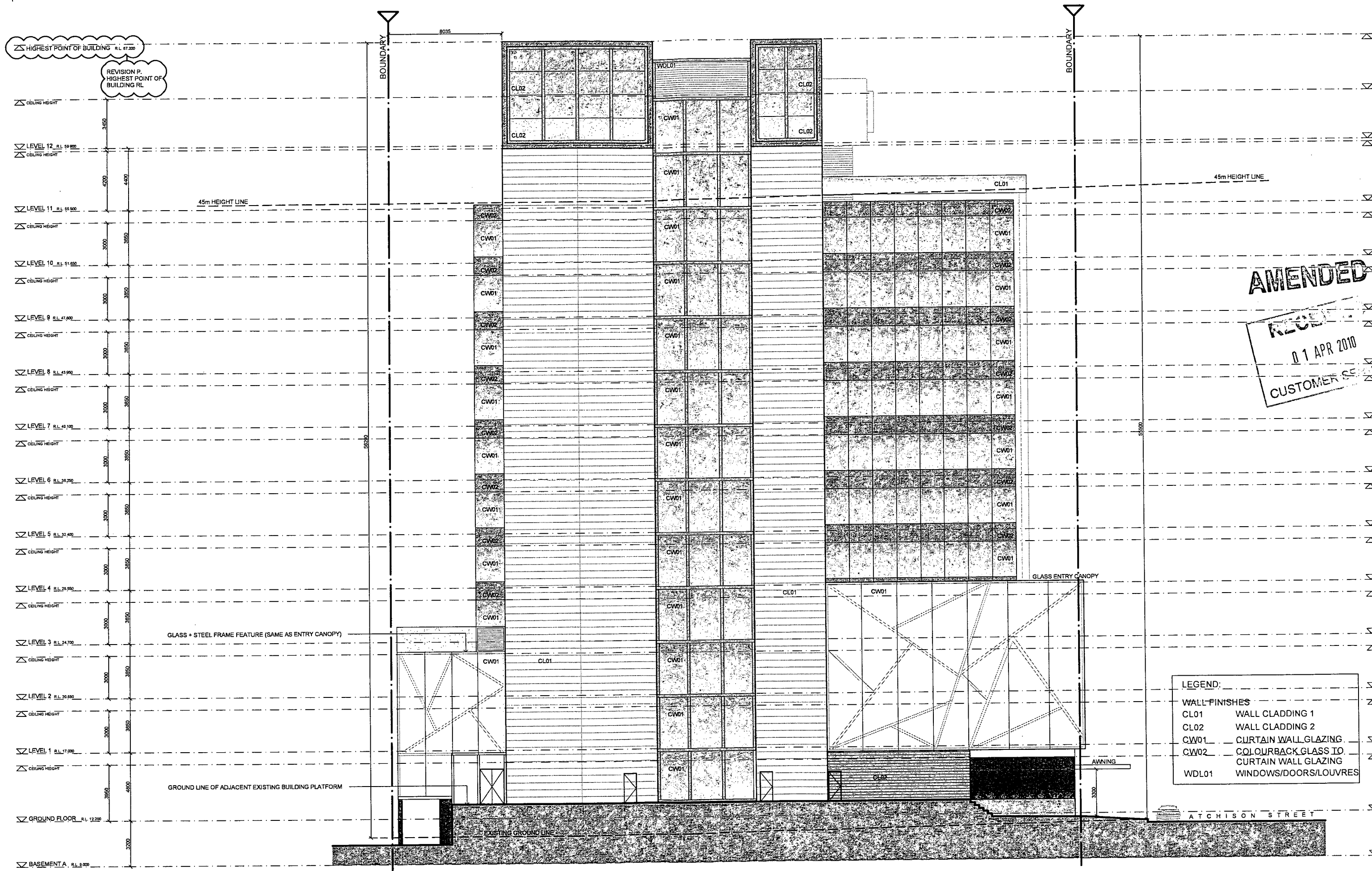


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Email: [info@designworkshop.com.au](mailto:info@designworkshop.com.au)  
Web: <http://www.designworkshop.com.au>

CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: EAST ELEVATION

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-20-P

DA ISSUE



REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING

DISCLAIMER  
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REF.	DATE	AMENDMENT
G	14.10.09	CONSULTANT ISSUE
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I	21.10.09	CONSULTANT ISSUE
J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC

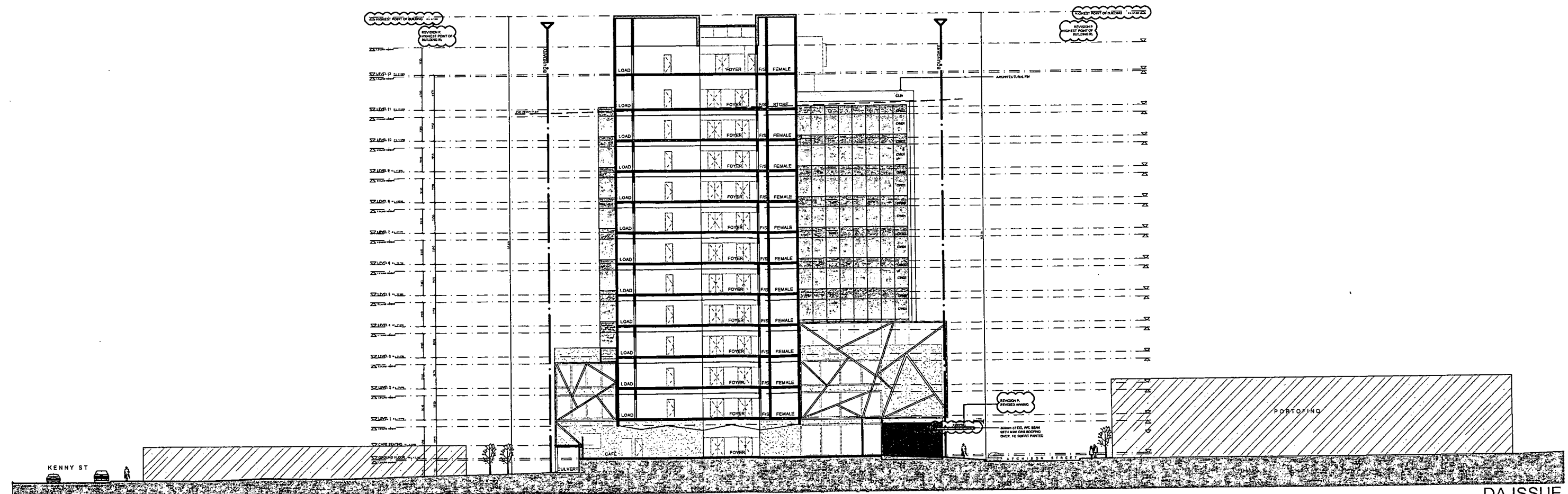
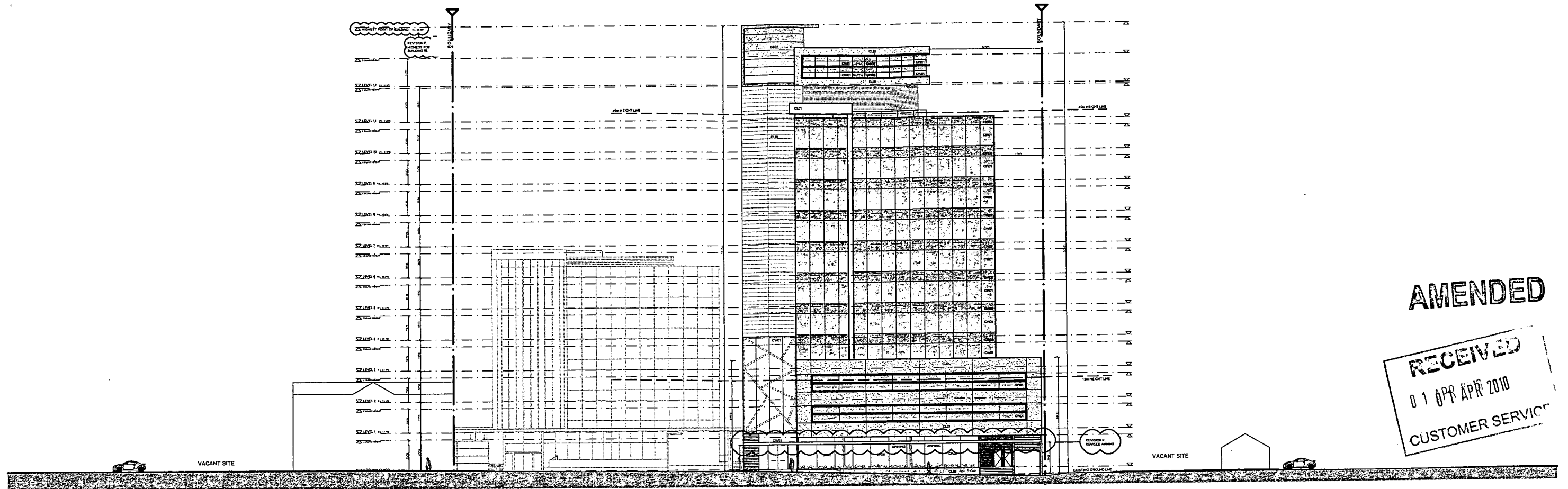


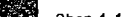
Shop 4, 145 Balgownie Road, Balgownie 2519  
P.O. Box 3091, Balgownie NSW 2519  
Tel: (02) 4284 2664  
Email: [info@designworkshop.com.au](mailto:info@designworkshop.com.au)  
Web: <http://www.designworkshop.com.au>

CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: NORTH ELEVATION

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-21-P



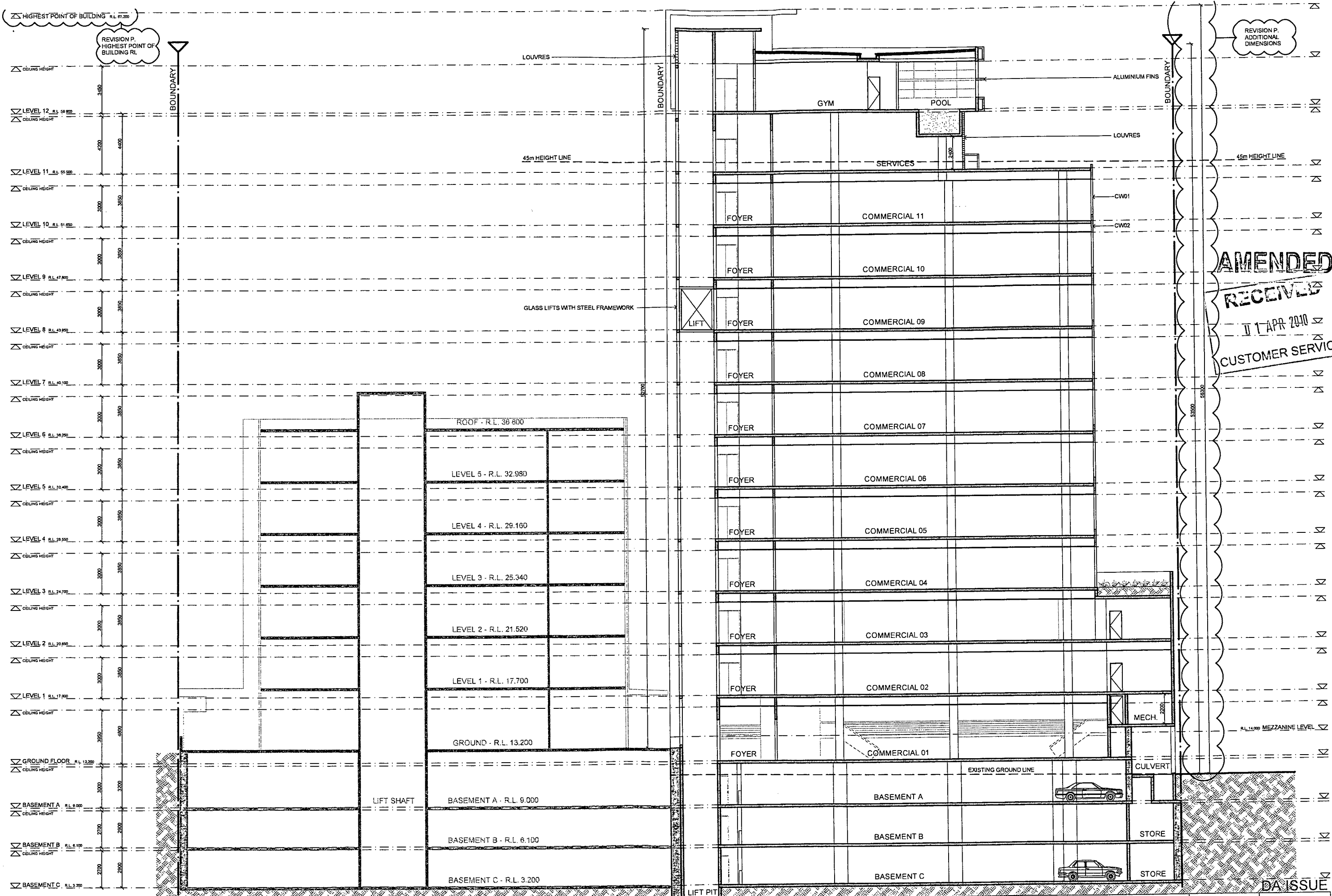


REF.	DATE	AMENDMENT	REF.	DATE	AMENDMENT		Shop 4, 145 Balgownie Road, Balgownie 2519 P.O. Box 3091, Balgownie NSW 2519 Tel: (02) 4284 2664 Email: <a href="mailto:info@designworkshop.com.au">info@designworkshop.com.au</a> Web: <a href="http://www.designworkshop.com.au">http://www.designworkshop.com.au</a>	CLIENT: REALTA PROPOSED COMMERCIAL DEVELOPMENT  ADDRESS: LOT 2, D.P. 1080428 25 ATCHISON STREET, WOLLONGONG NSW 2500  DRAWING NAME: STREET ELEVATION + STREET SECTION	DATE: JUN 09 DRAWN: MM,AK,PL SCALE: 1:500 QA: RG	PROJECT No. 204 DWG No. DA-22-P
A	01.07.09	CONSULTANT ISSUE	G	14.10.09	CONSULTANT ISSUE					
B	13.07.09	CONSULTANT ISSUE	H	20.10.09	DAYLIGHT PENETRATION					
C	23.07.09	FINAL CO-ORDINATION ISSUE	I	21.10.09	CONSULTANT ISSUE					
D	03.08.09	AMENDED PARKING LAYOUTS	J	02.11.09	CONSULTANT ISSUE					
E	11.08.09	AMENDED RAMP AND ADAPT. WC	K	05.11.09	CONSULTANT ISSUE					
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING	L	19.11.09	AMENDED MEZZANINE					
DISCLAIMER			M	27.11.09	AMENDED BOUNDARY LINE					
All dimensions are in millimeters. Verify all dimensions on site prior to commencement of any work. Copyright of DWA.			N	02.12.09	DA ISSUE					



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Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

CLIENT:	REALTA PROPOSED COMMERCIAL DEVELOPMENT	DATE:	JUN 09	PROJECT No.	204
ADDRESS:	LOT 2, D.P. 1080428 25 ATCHISON STREET, WOLLONGONG NSW 2500	DRAWN:	MM,AK,PL	DWG No.	DA-22-P
DRAWING NAME:	STREET ELEVATION + STREET SECTION	SCALE:	1:500	QA:	RG



REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
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DISCLAIMER		
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J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

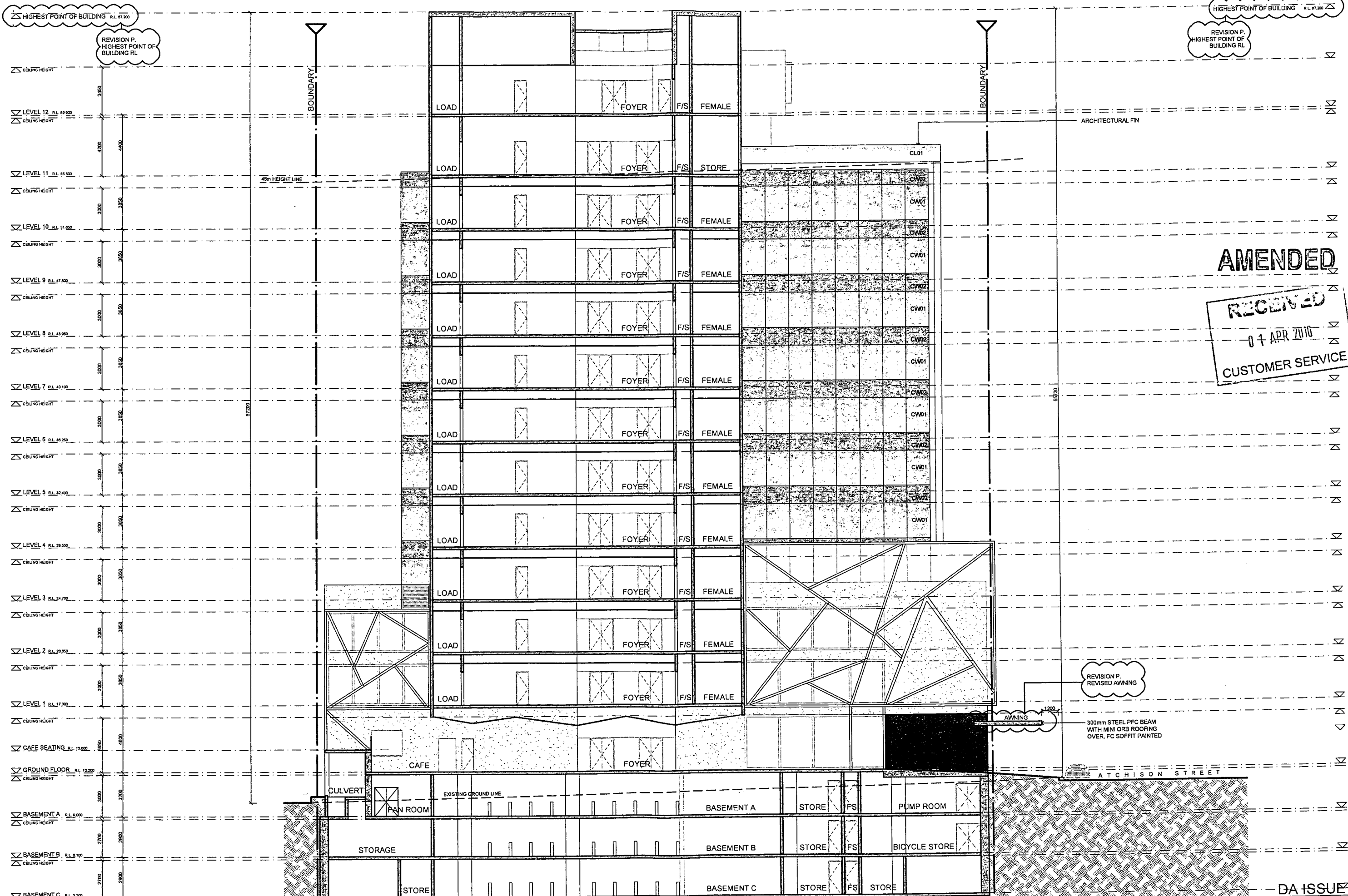
REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



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Tel: (02) 4284 2664  
Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: SECTION A-A

DATE: JUN 09  
PROJECT No. 204  
DRAWN: MM,AK,PL  
SCALE: 1:250  
DWG No. DA-15-P  
QA: RG

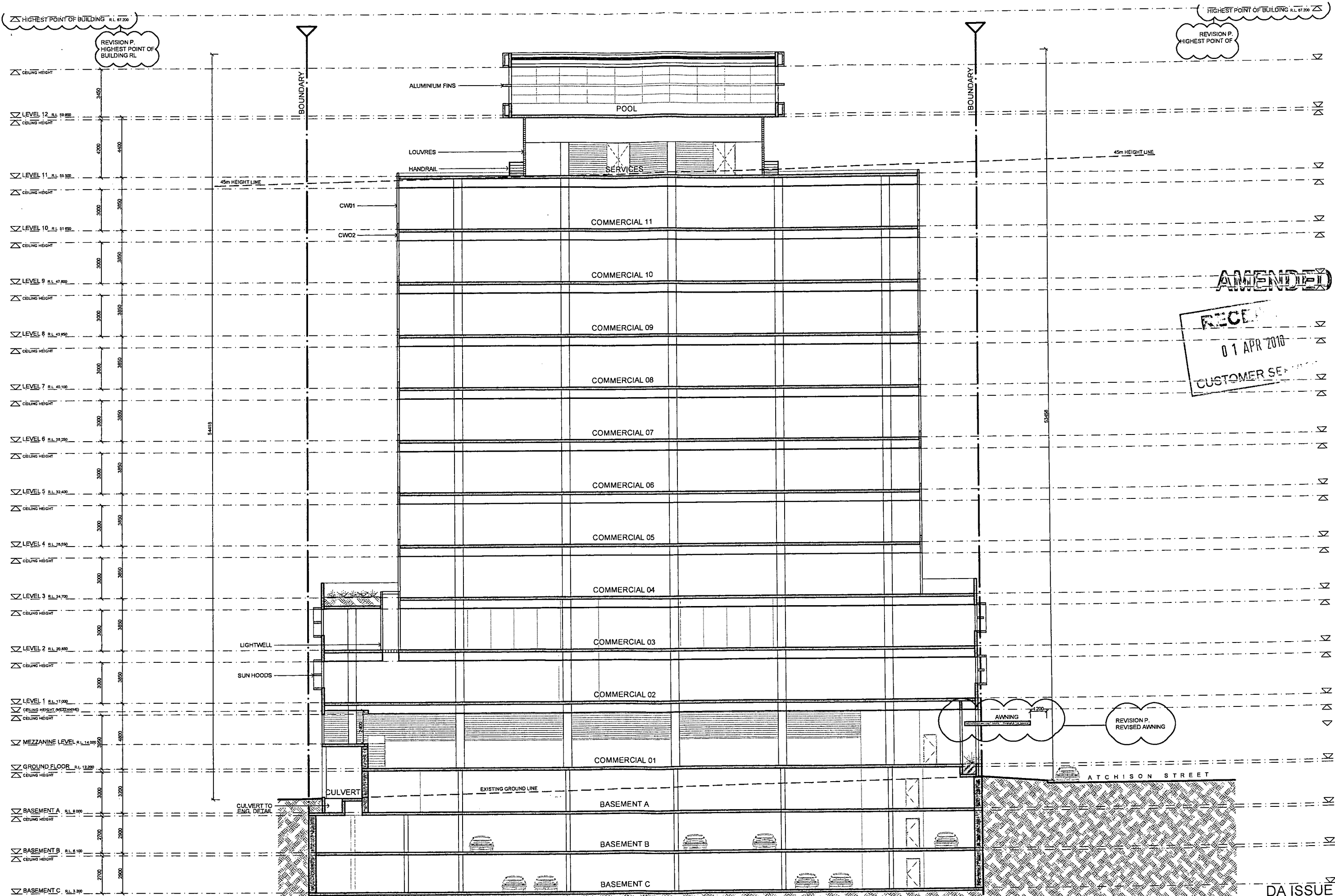


△	HIGHEST POINT OF BUILDING	R.L. 87.200
△	CEILING HEIGHT	
△	LEVEL 12	R.L. 89.900
△	CEILING HEIGHT	
△	LEVEL 11	R.L. 85.600
△	CEILING HEIGHT	
△	LEVEL 10	R.L. 81.600
△	CEILING HEIGHT	
△	LEVEL 9	R.L. 77.800
△	CEILING HEIGHT	
△	LEVEL 8	R.L. 73.800
△	CEILING HEIGHT	
△	LEVEL 7	R.L. 69.800
△	CEILING HEIGHT	
△	LEVEL 6	R.L. 65.800
△	CEILING HEIGHT	
△	LEVEL 5	R.L. 61.800
△	CEILING HEIGHT	
△	LEVEL 4	R.L. 57.800
△	CEILING HEIGHT	
△	LEVEL 3	R.L. 53.800
△	CEILING HEIGHT	
△	LEVEL 2	R.L. 49.800
△	CEILING HEIGHT	
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△	CEILING HEIGHT	
△	CAFE SEATING	R.L. 41.800
△	GROUND FLOOR	R.L. 37.800
△	CEILING HEIGHT	
△	BASEMENT A	R.L. 33.800
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△	BASEMENT B	R.L. 29.800
△	CEILING HEIGHT	
△	BASEMENT C	R.L. 25.800

△	HIGHEST POINT OF BUILDING	R.L. 87.200
△	CEILING HEIGHT	
△	LEVEL 12	R.L. 89.900
△	CEILING HEIGHT	
△	LEVEL 11	R.L. 85.600
△	CEILING HEIGHT	
△	LEVEL 10	R.L. 81.600
△	CEILING HEIGHT	
△	LEVEL 9	R.L. 77.800
△	CEILING HEIGHT	
△	LEVEL 8	R.L. 73.800
△	CEILING HEIGHT	
△	LEVEL 7	R.L. 69.800
△	CEILING HEIGHT	
△	LEVEL 6	R.L. 65.800
△	CEILING HEIGHT	
△	LEVEL 5	R.L. 61.800
△	CEILING HEIGHT	
△	LEVEL 4	R.L. 57.800
△	CEILING HEIGHT	
△	LEVEL 3	R.L. 53.800
△	CEILING HEIGHT	
△	LEVEL 2	R.L. 49.800
△	CEILING HEIGHT	
△	LEVEL 1	R.L. 45.800
△	CEILING HEIGHT	
△	CAFE SEATING	R.L. 41.800
△	GROUND FLOOR	R.L. 37.800
△	CEILING HEIGHT	
△	BASEMENT A	R.L. 33.800
△	CEILING HEIGHT	
△	BASEMENT B	R.L. 29.800
△	CEILING HEIGHT	
△	BASEMENT C	R.L. 25.800

**AMENDED**  
**RECEIVED**  
04 APR 2010  
CUSTOMER SERVICE

REF. DATE AMENDMENT	REF. DATE AMENDMENT	REF. DATE AMENDMENT	Shop 4, 145 Balgownie Road, Balgownie 2519 P.O. Box 3091, Balgownie NSW 2519 Tel: (02) 4284 2664 Email: info@designworkshop.com.au Web: http://www.designworkshop.com.au	CLIENT: REALTA PROPOSED COMMERCIAL DEVELOPMENT ADDRESS: LOT 2, D.P. 1080428 25 ATCHISON STREET, WOLLONGONG NSW 2500 DRAWING NAME: SECTION B-B	DATE: JUN 09 DRAWN: MM,AK,PL SCALE: 1:250 QA: RG	PROJECT No. 204 DWG No. DA-16-P
DISCLAIMER All dimensions are in millimeters. Verify all dimensions on site prior to commencement of any work. Copyright of DWA.	REF. DATE AMENDMENT G 14.10.09 CONSULTANT ISSUE H 20.10.09 DAYLIGHT PENETRATION I 21.10.09 CONSULTANT ISSUE J 02.11.09 CONSULTANT ISSUE K 05.11.09 CONSULTANT ISSUE L 19.11.09 AMENDED MEZZANINE M 27.11.09 AMENDED BOUNDARY LINE N 02.12.09 DA ISSUE	REF. DATE AMENDMENT O 25.02.10 ADDITIONAL INFORMATION P 23.03.10 ADDITIONAL INFORMATION FOR WCC				



HIGHEST POINT OF BUILDING R.L. 87.200  
REVISION P.  
HIGHEST POINT OF

REVISION P.  
HIGHEST POINT OF  
BUILDING RL

**AMENDED**  
**RECEIVED**  
01 APR 2010  
CUSTOMER SERVICE

REVISION P.  
REVISED AWNING

REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
C	23.07.09	FINAL CO-ORDINATION ISSUE
D	03.08.09	AMENDED PARKING LAYOUTS
E	11.08.09	AMENDED RAMP AND ADAPT. WC
F	29.09.09	GENERAL UPGRADE - MEETING WITH STATE PLANNING
DISCLAIMER		
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REF.	DATE	AMENDMENT
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K	05.11.09	CONSULTANT ISSUE
L	19.11.09	AMENDED MEZZANINE
M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



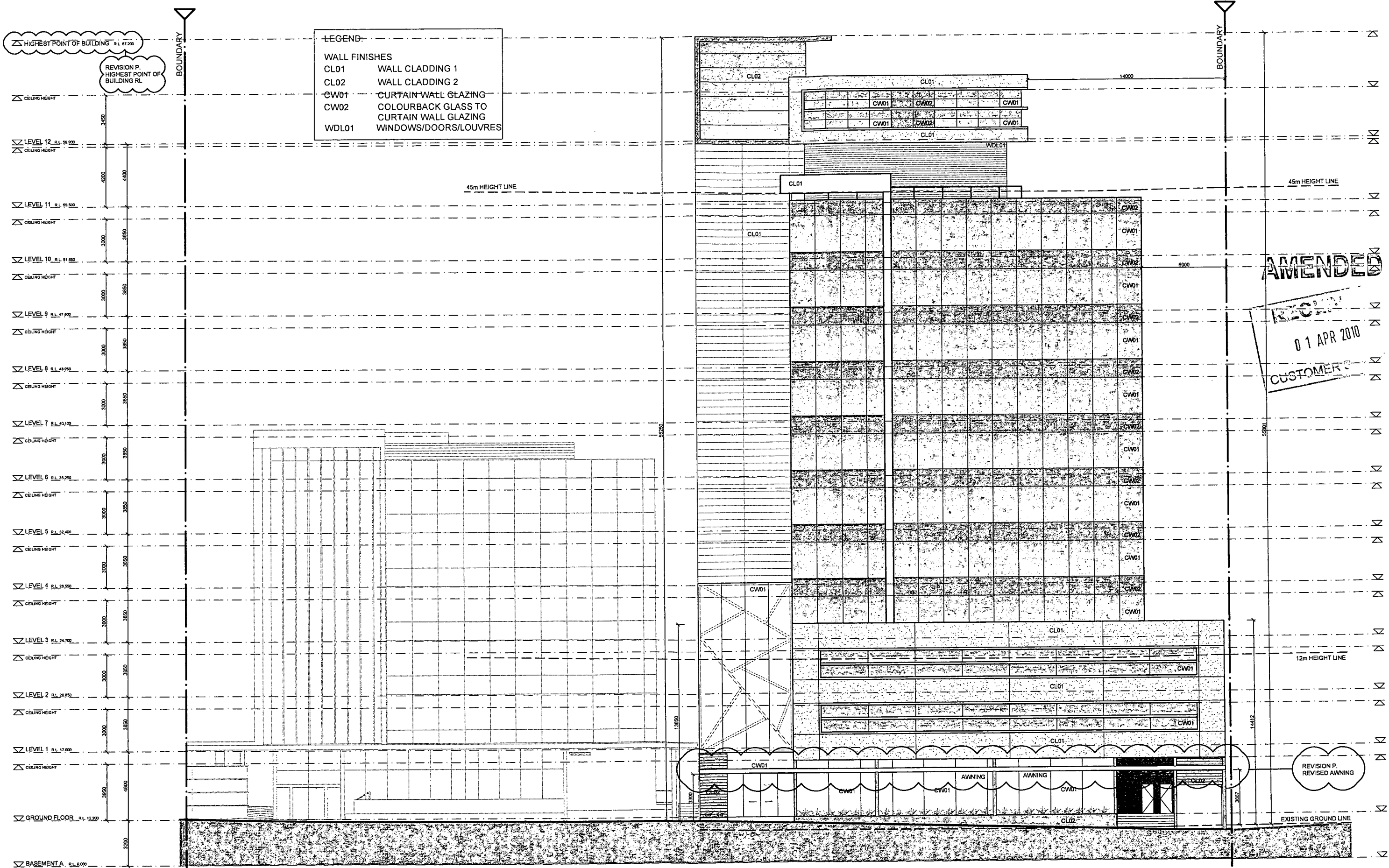
Shop 4, 145 Balgownie Road, Balgownie 2519  
P.O. Box 3091, Balgownie NSW 2519  
Tel: (02) 4284 2684  
Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT  
ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500  
DRAWING NAME: SECTION C-C

DATE: JUN 09  
DRAWN: MM,AK,PL  
SCALE: 1:250  
QA: RG  
PROJECT No. 204  
DWG No. DA-17-P

DA ISSUE





REF.	DATE	AMENDMENT
A	01.07.09	CONSULTANT ISSUE
B	13.07.09	CONSULTANT ISSUE
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REF.	DATE	AMENDMENT
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J	02.11.09	CONSULTANT ISSUE
K	05.11.09	CONSULTANT ISSUE
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M	27.11.09	AMENDED BOUNDARY LINE
N	02.12.09	DA ISSUE

REF.	DATE	AMENDMENT
O	25.02.10	ADDITIONAL INFORMATION
P	23.03.10	ADDITIONAL INFORMATION FOR WCC



Shop 4, 145 Balgownie Road, Balgownie 2519  
P.O. Box 3091, Balgownie NSW 2519  
Tel: (02) 4284 2664  
Email: info@designworkshop.com.au  
Web: http://www.designworkshop.com.au

CLIENT: REALTA  
PROPOSED COMMERCIAL DEVELOPMENT

ADDRESS: LOT 2, D.P. 1080428  
25 ATCHISON STREET, WOLLONGONG NSW 2500

DRAWING NAME: WEST ELEVATION

DATE: JUN 09 PROJECT No. 204

DRAWN: MM,AK,PL

SCALE: 1:250 DWG No. DA-18-P

QA: RG



29 JAN 2010

Peter and Fay HULFORD,  
4/19 Atchison Street,  
Wollongong, 2500  
January 25, 2010.

Mr. Mark Riordan,  
Manager City Planning,  
Wollongong City Council.

Dear Sir,

**Reference Development Application No.DA-2009/1582.**

**We, Peter and Fay Hulford** wish to lodge an objection to the above DA at 25 Atchison Street, Wollongong. We own Unit 4 in the block of residential units at 19 Atchison Street, and our objection is a very simple one -- the proposed height of this development in this area is **RIDICULOUS !** At 12 storeys above mean footpath level it must be at least 48 metres high; if built to the same scale as the Hatch Building it would be more like 58 metres high, more than half as high again as the Hatch building. In this street it would tower over and overshadow everything in sight, and result in a complete lack of any appearance of planning of building heights.

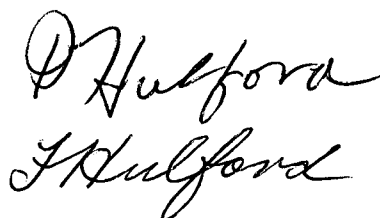
We believe that Wollongong is being destroyed by these towering buildings that are being approved by Council, many of which are exceeding even the most recent limits on height and floor space ratios.

Due to medical problems and other circumstances we have been unable to view the drawings and the no doubt endless excuses for wishing to exceed all the limits being applied to building in this street, but we would add that the traffic situation in Atchison Street will assuredly become much worse with the extra vehicles potentially servicing this proposed development. We notice that a large residential development is also proposed on the adjoining lots 31/33 to the immediate South of DA-2009/1582, which will further exacerbate our traffic problems.

Our opinion is that this **second half of the originally-approved development** should on no account be allowed to exceed the height of the existing Hatch Building -- that is to say, stick to the height limit for which this dual-tower development was originally approved.

Regards,

Peter and Fay Hulford,  
Owners Unit 4, 19 Atchison Street,  
Wollongong.

The block contains two handwritten signatures in black ink. The top signature is 'P Hulford' and the bottom signature is 'F Hulford'. Both are written in a cursive, flowing style.

## Attachment 5 – Draft Conditions

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### Approved Plans and Specifications

- 1 The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

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Plans and Specifications	Drawing list - Design Workshop Australia Location plan - number 204-DA01-P - dated 23 March 2010 - Design Workshop Australia Site analysis plan - number 204-DA02-P - dated 23 March 2010 - Design Workshop Australia Existing survey plan - number 204-DA03-P - dated 23 March 2010 - Design Workshop Australia Staging plan, site plan and roof plan - number 204-DA04-P - dated 23 March 2010 - Design Workshop Australia Basement C floor plan - number 204-DA05-Q - dated 1 April 2010 - Design Workshop Australia Basement B floor plan - number 204-DA06-P - dated 23 March 2010 - Design Workshop Australia Basement A floor plan - number 204-DA07-P - dated 23 March 2010 - Design Workshop Australia Ground floor plan - number 204-DA08-P - dated 23 March 2010 - Design Workshop Australia Level 1 floor plan - number 204-DA09-P - dated 23 March 2010 - Design Workshop Australia Level 2 floor plan - number 204-DA10-P - dated 23 March 2010 - Design Workshop Australia Level 3 floor plan - number 204-DA11-P - dated 23 March 2010 - Design Workshop Australia Typical floor plan - levels 4 - 10 - number 204-DA12-P - dated 23 March 2010 - Design Workshop Australia Level 11 floor plan - number 204-DA13-P - dated 23 March 2010 - Design Workshop Australia Level 12 floor plan - number 204-DA14-P - dated 23 March 2010 - Design Workshop Australia Section A-A plan - number 204-DA15-P - dated 23 March 2010 - Design Workshop Australia Section B-B plan - number 204-DA16-P - dated 23 March 2010 - Design Workshop Australia Section C-C plan - number 204-DA17-P - dated 23 March 2010 - Design Workshop Australia West elevation plan - number 204-DA18-P - dated 23 March 2010 - Design Workshop Australia South elevation plan - number 204-DA19-P - dated 23 March 2010 - Design Workshop Australia East elevation plan - number 204-DA20-P - dated 23 March 2010 - Design Workshop Australia North elevation plan - number 204-DA21-P - dated 23 March 2010 - Design Workshop Australia Street elevation and street section plan - number 204-DA22-P - dated 23 March 2010 - Design Workshop Australia Daylight penetration plan - ground floor - number 204-DA23-P - dated 23 March 2010 - Design Workshop Australia Daylight penetration plan - level 1 - number 204-DA24-P - dated 23 March 2010 - Design Workshop Australia Daylight penetration plan - level 2 - number 204-DA25-P - dated 23 March 2010 - Design Workshop Australia Daylight penetration plan - level 3 - number 204-DA26-P - dated 23 March 2010 - Design Workshop Australia Daylight penetration plan - typical floor - levels 4 - 10 - number 204-DA27-P - dated 23 March 2010 - Design Workshop Australia North elevation plan, section plan - existing Hatch building - number 204-DA28-P - dated 23 March 2010 - Design Workshop Australia Photomontage - number 0903 - sheet 13 of 14 - dated November 2009 - Archviz Internal and external perspective plan - number 0903 - sheet 14 of 14 - Archviz Concept drainage plan - number OCE-11204-C02-CC-D - sheet 2 of 2 - dated 29 March 2010 - Optima Consulting Engineers Concept drainage plan - number OCE11204-C03-CC-A - sheet 3 of 3 - dated 29 March 2010 - Optima Consulting Engineers Landscape concept plan - number 1160-LD01-A - dated 25 March 2010 - Ochre Landscape Architects Works as executed plans - Detom Consulting Engineers Statement of environmental effects - number 09251 - dated April 2010 - JBA Urban Planning Consultants
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Geotechnical report - number 40446 - dated October 2005 - Douglas Partners  
 Minor flood study - number OCE11204-STR-003 - dated 29 March 2010 - Optima Consulting Engineers Pty Ltd  
 Traffic and parking impact study - number KF109797 - dated July 2009 - KF Williams & Associates Pty Ltd  
 Pedestrian wind environment study - number WA690-02F01-1 - dated 3 December 2009 - Windtech  
 Indicative ecologically sustainable design assessment report - number 10-8094-1 - dated 11 November 2009 - Heggies Pty Ltd  
 Waste service management plan - Executive Cleaning Operation  
 Accessibility assessment report - dated 21 October 2009 - Equibuilt  
 Building Code of Australia assessment report - dated 27 July 2009 - Chalmers Paige  
 Crime prevention through environmental design report - dated 25 July 2009 - Chalmers Paige

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## General Matters

### 2 **Modification to DA-2004/2281**

Prior to the issue of a Construction Certificate for this development, the developer must lodge with Council and have approved a Section 96 modification of consent to DA-2004/2281 to facilitate ingress and egress to this development and to delete references to the residential apartment building approved pursuant to DA-2004/2281.

### 3 **Water Management Act 2000**

If required, approval shall be obtained from the NSW Office of Water in accordance with Section 91 of the Water Management Act 2000 for the aquifer interference activity.

### 4 **Street Tree Removal**

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

The developer must apply for (and be granted) permission under Section 138 of the Roads Act 1993 to work within the road reserve.

### 5 **Trees to be Removed**

The developer has permission to remove Trees No. T1 and T2 as indicated on the submitted Landscape Concept Plan by Ochre Landscape Architects, dated 24.07.09. No other trees or vegetation shall be removed without the prior written approval of council.

### 6 **Geotechnical**

1. Prior to commencement of site works a dilapidation survey is to be undertaken of adjoining development as recommended by the geotechnical consultant.
2. Foundation systems are to be designed for Class P soils. Other foundation systems may be acceptable if supported by appropriate geotechnical advice.
3. The structural designs for all foundations are to be endorsed by the geotechnical consultant that all known site geotechnical constraints have been accommodated in the designs.
4. Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
5. All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
6. Equilibrium moisture conditions are to be maintained on adjoining properties as recommended by the geotechnical consultant.
7. All work is to be in accordance with the geotechnical recommendations contained in the report dated 13 October 05 by Douglas Partners and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

8. All earthworks, drainage, retaining wall and footing construction is to be subject to Level 1 geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
  9. 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.
- 7 **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.
- 8 **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.
- 9 **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 “complying or exempt development”, under Wollongong Development Control Plan No 1 – Complying Development or Wollongong Development Control Plan No 2. – Exempt Development.
- 10 **Maintenance of Access to Adjoining Properties**  
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.
- 11 **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 – 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.
- 12 **Floor Space Ratio Restriction**  
The development shall not exceed the approved floor space ratio (FSR) as calculated in accordance with Clauses 22 and 4 of Wollongong City Centre Local Environmental Plan 2007. Any alteration of the approved floor space ratio will require further separate approval of Council.
- 13 **Occupation Certificate**  
A final 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.

## Prior to the Issue of the Construction Certificate

### 14 **Crime Prevention Through Environmental Design**

The recommendations contained within the CPTED report prepared by Chalmers Paige shall be implemented and shall be reflected on the plans to be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The recommendations shall be implemented in full prior to the release of an Occupation Certificate.

### 15 **Under Awning Lighting**

Under-awning lighting shall be provided to facilitate night use and improve public safety.

### 16

In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

### 17 **Wind Effects**

The recommendations contained within the Pedestrian Wind Environment Study prepared by Windtech Consultants Pty Ltd shall be reflected on the plans provided with the Construction Certificate application. The recommendations shall be implemented in full prior to the release of the Occupation Certificate.

### 18 **Ecologically Sustainable Design**

The plans to be provided with the Construction Certificate application shall reflect the recommendations contained within the Indicative Ecologically Sustainable Design Assessment prepared by Heggies Pty Ltd.

### 19 **Water Conservation**

The development shall incorporate the following water saving measures:-

- all water fixtures (shower heads, taps, toilets, urinals, etc) are to be 3 stars or better rated;
- appliances are to be 3 stars or better rated with respect to water use efficiency;
- non-potable water should be used for watering gardens.

Details demonstrating compliance shall be submitted with the Construction Certificate application.

### 20 **Basement Ventilation**

Exhausts associated with mechanical ventilation from the basement are to be conveyed to the top of the building for discharge. Measures must be adopted to mitigate potential noise and amenity issues associated with the mechanical ventilation system/s. In this respect, noise generated by the system/s must not exceed 5dB(A) above the ambient background noise level.

Details of the basement ventilation are to be indicated on plans submitted to the Principal Certifying Authority with the Construction Certificate application.

### 21 **Footpath Pavement**

The developer is responsible for the construction of footpath paving for the entire frontage of the development. A nominal two percent (2%) maximum two and a half (2.5%) cross fall to be provided from property line to back of kerb. The footpath must be installed to the satisfaction of WCC Manager of Works in accordance with the requirements of the Public Domain Technical Manual. This requirement shall be indicated on the final Landscape Plans submitted to the Principal Certifying Authority, prior to the release of the construction certificate.

#### **Pavement:**

Main body of pavement to be 'Sante Fe, Illiad' by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed finish, 300 x 300 x 50mm. Contrasting band to be 'Sante Fe, Off White' by Adbri Masonry Pty Ltd (or approved equivalent) ivory coloured paving unit, honed finish, 300 x 300 x 50mm. Samples to be approved by WCC Infrastructure Division.

#### **Sealant:**

Penetrating sealer 'Uni Seal' by Spirit Marble & Tile Care Pty Ltd (or approved equivalent).

- 22     **Podium Planter Boxes**  
All podium planter boxes are to have a waterproofing membrane. The waterproofing membrane is to have a minimum 10 year life span. In addition, protective boarding is to be installed to protect from further water damage. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
- 23     **Street Trees**  
Provide four street trees to Atchison Street, species *Fraxinus giffithii*, size 200L with 2m clear trunk height. Tree pits must be detailed in accordance with the Public Domain Technical and installed to the satisfaction of WCC Manager City Works. Contact 'Dial Before You Dig' and undertake any necessary pot holing to determine the location of existing services before excavating tree pits. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
- 24     **Bicycle Parking**  
The security level of the bicycle parking is to be to comply with the most current version of Austroads Part 14. This requirement shall be reflected on the Construction Certificate plans.
- 25     **Parking Space Removal**  
Parking spaces 84, 85, 96 and 97 on Basement C in the existing car parking area shall be removed to ensure access to the new section of parking on Basement C. This requirement shall be reflected on the Construction Certificate plans.
- 26     **Footpath Levels**  
Footpath levels must be obtained from Council's Regulation and Enforcement Division prior to the issue of the Construction Certificate. The approved footpath levels shall be reflected on the Construction Certificate plans. All such structures and internal driveways shall be constructed to these approved levels.
- 27     **Fire Safety Schedule**  
When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.
- 28     **Parking and Access**  
The development shall make provision for a total of 250 car parking spaces, 10 motorcycle parking spaces and 104 (82 employee spaces and 22 visitor spaces) bicycle parking spaces. 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 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.
- 29     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 Australian Standard AS2890.1 (1993), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 30     Each disabled person's parking space must have a minimum dimension of 3.2 metres by 5.4 metres and be clearly marked and/or signposted, and be located to maximise accessibility to the building. A minimum 2.3 metres headroom height shall be provided throughout the car parking area to and from any proposed disabled/adaptable housing parking space and a minimum headroom of 2.5m over the disabled/ adaptable housing space. This requirement shall be reflected on the Construction Certificate plans.
- 31     The designated loading/unloading facility shall be kept clear for that purpose at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.
- 32     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.

- 33 The car parking areas and internal access roads shall be separated from the landscaped bays by means of a kerb or concrete dwarf wall. All kerbs required to act as wheel stops shall have a maximum height of 100 mm above ground. These details shall be reflected on the Construction Certificate plans.
- 34 Ramps for internal parking areas shall be designed in accordance with AS2890.1 - Parking Facilities - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.
- 35 A minimum 2.2 metre headroom height shall be provided throughout the car parking and manoeuvring area. This requirement shall be reflected on the Construction Certificate plans.
- 36 **Convex Mirrors**  
Convex mirrors should be installed at the base of each of the ramps to improve sight distance. Details shall be provided with the Construction Certificate drawings.
- 37 Gradients of ramps and access driveways shall be provided in accordance with Australian Standard AS2890.1 (1993) - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.
- 38 **Security Roller Shutters for Basement Car Parking Areas**  
The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority prior to the release of the Construction Certificate.
- 39 A change in driveway paving is required at the entrance threshold to clearly show motorists they are crossing a pedestrian area. The developer must construct the paving 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.
- 40 Any proposed structures adjacent to the driveway shall comply with the requirements of the latest version of Australian / New Zealand Standard AS/NZ 2890.1 to provide for adequate 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.
- 41 **Utilities/Services**  
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.
- 42 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 43 **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 Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or 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.

**44 Integral Energy Requirements**

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

**Note:** Applications should be made to Customer Connections – South Coast, Integral Energy PO Box 6366, Blacktown 2148.

**45 Landscaping**

The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape Technical Policy No 98/4 and in accordance with 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.

**46** The provision of common tap(s) 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 indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.

**47** 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.

**48** 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.

**49 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.

**50 Air Conditioning Units**

Air conditioning systems are to not to be located where they are visible from Atchison Street.

In addition, commercial air conditioning systems are not to be located where they could generate amenity impacts for neighbouring residents. Plans submitted to the Principal Certifying Authority prior to issue of the Construction Certificate are to identify external components of a commercial air conditioning system that meets the requirements of this condition.

**51 External Finishes**

The development shall be constructed and finished in materials and colours consistent with the submitted schedule of finishes. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

**52** Pedestrian access ways, entry paths 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.

**53 Glass Reflectivity Index**

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the



Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

54 **Floor Levels**

Habitable floor levels must be constructed at a minimum of RL 12.08 metres AHD. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

55 Any portion of the building or structure below RL 12.08 metres AHD should be built from flood compatible materials. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

56 **Overflow Paths**

Overflow paths must 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 must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

57 Details of the proposed alterations to the existing kerb inlet pits shall be provided in conjunction with the detailed drainage design for the site. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

58 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.

59 **Relocation of Stormwater Pipes**

All cost associated with the relocation of the pipework must be borne by the applicant.

60 **Easement Relocation**

All costs associated with the extinguishment of the existing easement and the creation of the new easement must be borne by the applicant.

61 **Basement Waterproofing**

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

62 **Basement Stormwater Pump**

A pump system is to be installed in the event of stormwater from extreme storm events entering the basement.

63 **Gross Pollutant Trap**

The applicant shall provide a purpose built gross pollutant trap (GPT) in the footpath reserve between the kerb inlet and the property boundary. The GPT shall be designed such the stormwater runoff is accepted from the road surface and from any existing underground Council stormwater infrastructure. Details of this structure shall be reflected on the Construction Certificate plans and associated documentation and submitted to the Principal Certifying Authority prior the release of the Construction Certificate.

64 **Relocated Pipework/Culvert/Gross Pollutant Trap – Final Construction Drawings**

Prior to construction commencing, the applicant must provide final construction drawings to Council's Manager Design and Technical Services. These drawings must include specifications to ensure that the construction works can be built according to Council's requirements.

## Section 94A Levy Contribution

- 65 The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of **\$314,900.00** shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 170.5.

The following formula for indexing contributions is to be used:

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

Where

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

**CP1** is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

**CP2** is the Consumer Price Index (all groups index for Sydney) at the time of indexation

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

Payment of the S94A levy must be by cash or bank cheque only. A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au).

*(Reason: To provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council).*

## Prior to the Commencement of Works

### 66 Appointment of Principal Certifying Authority

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

- 66.1 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 (if Council is nominated as the PCA please use the attached form) and
- 66.2 notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two days notice is required).

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

### 67 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- 67.1 stating that unauthorised entry to the work site is not permitted;
- 67.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and

- 67.3 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.

**68 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:

- 68.1 a standard flushing toilet; and
- 68.2 connected to either:
  - 68.2.1 the Sydney Water Corporation Ltd sewerage system or
  - 68.2.2 an accredited sewage management facility or
  - 68.2.3 an approved chemical closet.

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

**69 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 6 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 RTA Traffic Control at Worksites Manual

**70 Prior approval from Council for any works in Road Reserve**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Regulation and Enforcement Division 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. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid, a minimum of five working days prior to the expected implementation. 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 RTA Traffic Control at Worksites Manual.

**Note:** This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.

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

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RTA 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:

- 71.1 proposed ingress and egress points for vehicles to/from the construction site;
- 71.2 proposed protection of pedestrians, adjacent to the construction site;

- 71.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 71.4 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;
- 71.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 71.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 71.7 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 Traffic Authority'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);
- 71.8 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
- 71.9 proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

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

## 72 **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 to satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. An application must be lodged and a permit obtained from Council's Regulation and Enforcement Division before the erection of any such hoarding or fence.

**Note:** No building work must commence before the hoarding or fence is erected.

## 73 **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.

## 74 **Protection of Public Places**

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:

- 74.1 A hoarding or fence must be erected between the work site and the public place;
- 74.2 an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- 74.3 the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- 74.4 safe pedestrian access must be maintained at all times;
- 74.5 any such hoarding, fence or awning is to be removed when the work has been completed.

## 75 **All demolition, excavation and construction works shall be undertaken in accordance with the waste management plan lodged with the Development Application and with Council's Technical Policy for the Management of all Wastes Associated with Building Sites.**

- 76     **Destination of Excavated Material**  
The developer must ensure that all excavated material is utilised/disposed of at a site that is approved for the use / disposal of fill material. Written evidence must be presented to the Principal Certifying Authority prior to the commencement of any excavation, that demonstrates that a suitable destination is available and further confirmation must be submitted to the Principal Certifying Authority that demonstrates that the fill has been disposed of to the approved destination prior to the issue of an Occupation Certificate.
- 77     **Demolition Works**  
The demolition of any 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.
- 78     **Consultation with NSW WorkCover Authority**  
Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.
- 79     **Demolition Notification to Surrounding Residents**  
Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.
- 80     **Consultation with NSW WorkCover Authority – Prior to Asbestos Removal**  
The applicant or appointed contractor is to give NSW WorkCover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.
- 81     **Forty Eight Hours Notice – Prior to Works Commencing in any Road Reserve**  
The applicant shall consult with Wollongong City Council's Regulation and Enforcement Division, giving 48 hours notice to arrange an on-site meeting, prior to any works commencing in any road reserve (footpath/carriageway). The purpose of the meeting will be to discuss any relevant issues such as a schedule of inspections, the need for a road opening permit and the provision of a traffic control plan as part of the works.
- 82     **Supervision of Works and Notification to Council of Works in Road Reserve**  
The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.  
  
The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.
- 83     **Public Liability Insurance**  
All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

- 84 **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.
- 85 The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.
- 86 **Road Opening Permit**  
Prior to works commencing the applicant shall apply to and obtain a Road Opening Permit from Council's Regulation and Enforcement Division. This permit covers the connection of services to mains within the road reserve such as, but not limited to water, sewer, stormwater drainage and power. A copy of this permit shall be submitted to the Principal Certifying Authority, prior to works commencing.
- 87 **Application for Occupation of Footpath/Roadway**  
Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993. Where it is proposed to carry out activities such as, but not limited to the following:
- o materials or equipment deliveries to the site;
  - o installation of a fence or hoarding;
  - o pump concrete from within the road reserve;
  - o stand a mobile crane within the public road reserve;
  - o use part of Council's road/footpath area;
  - o pump stormwater from the site to Council's stormwater drains; or
  - o store waste containers, skip bins and/or building materials on part of Council's footpath or roadway;
- an application for occupation of footpath/roadway must be submitted to Council's Regulation and Enforcement Division, and a S.138 permit obtained, prior to the works commencing.
- 88 **Notification to Council for Works on Council Land**  
The developer shall advise Council's Manager Regulation and Enforcement in writing at least seven days prior to the intended commencement of works on the installation of drainage infrastructure on Council's land.
- 89 **Dilapidation Report**  
The developer shall provide Council's Manager Regulation and Enforcement with a dilapidation report, identifying the condition of Council assets and all land in the vicinity of the proposed works prior to the commencement of works.
- 90 **Supervision of Works on Council Land**  
The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to Council's Regulation and Enforcement Division, prior to the commencement of any works. Also, the submission of a written construction program and anticipated duration of the construction is required, prior to the commencement of any works on Council land.

#### During Demolition, Excavation or Construction

- 91 **Protection of Council Infrastructure**  
The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior

to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

92 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a permit from and arrange inspections with Council's Regulation and Enforcement Division.

93 **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.

94 **Restricted Hours of Work**

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the hours of 7.00 am to 5.00 pm, Monday to Friday and 7 am to 1.00 pm Saturdays without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays, Sundays or the Saturday adjacent to public holidays on Mondays or Fridays.

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

- 94.1 the variation in hours required;
- 94.2 the reason for that variation;
- 94.3 the type of work and machinery to be used.

**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. Developers must note that EPA Environmental Noise manual restricts use of power tools (electronic or pneumatic) to between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on Saturdays.

95 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.

96 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.

97 **Spillage of Material**

Should, during the construction period, any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Regulation and Enforcement Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

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

99 **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.

100 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

101 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by an Approved Contractor**

The removal of any asbestos material must be carried out by an approved contractor if over 10 square metres in area in strict accordance with WorkCover Authority requirements..

- 102 **Asbestos Waste Collection**  
The asbestos waste must be collected and stored on-site in impermeable bags inside an adequate waste receptacle pending transportation. The receptacle must be lined and covered in accordance with the bin provider's requirements and S29 of the Protection of the Environment Operations Waste Regulations 1996.
- 103 Asbestos waste must be prepared in accordance with WorkCover requirements and disposed of to an EPA licensed landfill site.
- 104 **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.
- 105 **Compliance with Statutory Authorities / Government Departments**  
Compliance with the requirements of any Statutory Authorities or Government Departments such as, but not limited to:
- NSW Workcover Authority;
  - NSW Roads & Traffic Authority;
  - NSW Environment Protection Authority;
  - NSW Police Service; and
  - NSW Fire Brigades.
- 106 **Survey Report for Floor Levels**  
A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.
- 107 **Supervision of Engineering Works**  
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.
- 108 **Piping of Stormwater to Existing Stormwater Drainage System**  
Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain permission from Council's Regulation and Enforcement Division.
- 109 **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.
- 110 **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.

Prior to the Issue of the Occupation Certificate

- 111 **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 to the satisfaction of Council's Manager Regulation and Enforcement. 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.



**112 Fire Safety Certificate**

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

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

**113 Redundant Crossings**

Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing must be restored. This work shall be carried out by Council, or a Council approved contractor at the developer's expense prior to the release of the Occupation Certificate.

**114 Awning over Footpath**

The owner and successive owners are required to maintain the awning over the footpath in a satisfactory state of repair and shall indemnify Council against all claims arising from the structure.

**115 Drainage within Council Land – Work as Executed**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the drainage infrastructure works within Council land has been undertaken in accordance with the approved plans. In addition, full works-as-executed plan, prepared and signed by a Registered Surveyor must be submitted. This plan must include the location and levels of the drainage lines, structures and finished surface levels. This information must be submitted to Wollongong City Council's Manager Design and Technical Services prior to the issue of the final Occupation.

**116 Creation of Easement**

The applicant shall create a drainage easement in favour of Council over the realigned pipework and overflow path. The conditions of the easement shall state that:

- a. Council shall have the full and free right to discharge stormwater from the road reserve through the subject lot using the relocated line of pipes/culvert.
- b. The owner/owners of the property shall maintain the structural integrity of the pipework to ensure Council's continued use of the pipework to discharge stormwater.
- c. The owner/owners of the property shall indemnify Council of any obligation towards the maintenance of the pipe/culvert structure itself.
- d. The owner/owners of the property shall be solely responsible for the ongoing maintenance of and the structural integrity of the pipe/culvert structure/overland flow path including any repairs and or replacement of the pipework/culvert/overland flow path. Any such work shall be carried out by the owner/owners of the property and entirely at their expense with no contribution from Council.
- e. Any major repair and or replacement of the pipework shall be carried out as expeditiously as possible to restore Council's right of use.
- f. Council shall only be responsible for ensuring the free flow of stormwater in the pipework through the clearing of any blockages caused by the build up of silt, litter and debris being transported from the Council's road reserve into the pipework/culvert.
- g. The registered owner/owners of the lot must not make or suffer the making of any alterations to the pipework/culvert and associated overflow path without the prior consent in writing of Council.

**Operational Phases of the Development/Use of the Site**

**117 Fire Safety Measures**

All new and existing fire safety measures shall be maintained in working condition, at all times.

- 118     **Loading/Unloading Operations/Activities**  
All loading/unloading operations are to take place at all times wholly within the confines of the site.
- 119     **Separate Consent Required for First Occupation/Use of Commercial and Retail Spaces**  
The initial use of any of the commercial and retail spaces shall be approved by Council, unless such use is “complying or exempt development” under the provisions of any relevant legislation.
- 120     **Food Premises/ Food Safety**  
The developer/food business shall comply with the NSW Food Act, NSW Food Regulation and Food Safety Standards.
- 121     **Mailboxes**  
The developer must install mailboxes in accordance with Australia Post Guidelines and Clause 4.4 of Wollongong City Centre Development Control Plan 2007. 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.
- 122     **Strata Plan Requirements**  
Should a Strata Plan be prepared for this development in the future, the following matters must be addressed:
- 122.1   Garbage and recycling rooms must be contained within the common area;
  - 122.2   Motorbike and bicycle storage areas must be contained within the common area; and
  - 122.3   Appropriate allocation of carparking to the retail and commercial spaces.