

JRPP No:	2010STH033
DA No.	DA-2010/1503
Local Government Area	Wollongong City Council
Proposal	Proposed commercial building over basement parking
Property	134-140 Keira Street, WOLLONGONG NSW 2500 144-148 Keira Street, WOLLONGONG NSW 2500
Applicant	Angelo Di Martino – ADM Architects
Number of Submissions	0
Recommendation	Approval with Conditions
Report by:	Nigel Lamb, Development Project Officer, Wollongong City Council

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Joint Regional Planning Panel pursuant to clause 13C of State Environmental Planning Policy (Major Development) 2005. The proposed building does not comply with the development standard relating to height set by Wollongong Local Environmental Plan 2009 (WLEP2009) and is in excess of 13 metres in height and is located within the coastal zone.

Proposal

The proposal is comprised of the following:

- Demolition of the existing buildings on the site.
- Construction of a 4 storey commercial building
- Basement car parking for 87 cars (including two accessible spaces) over 2 levels.
- Vehicular access to the site via entry and exit driveways off Keira Lane to the rear of the site.

Permissibility

The site is zoned B3 Commercial Core pursuant to WLEP 2009. The proposal is characterised as a mixture of *commercial business and retail premise*, all of which are permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with the Act and appendix 1 (public notification procedures for development applications) of Wollongong Development Control Plan 2010 (WDCP2009) and did not receive any submissions. The application has received concurrence from the Department of Planning in relation to the requested variation to the maximum height limit for the site in accordance with Clause 4.6 of WLEP 2009 (attachment 6) The RTA additionally provided comment with regards to the proximity to a classified road pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (attachment 7). The RTA has not raised any objections to the proposal in this regard.

Main Issues

The main issues are a shortfall in car parking as required by WDCP 2009 and a 2m variation to the maximum 16m height limit prescribed for the site.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions at Attachment 7

1. APPLICATION OVERVIEW

1.1 PROPOSAL

The proposed development involves demolition of the existing building on the property and construction of a four storey building to be used for a mixture of commercial, business and retail uses. The development will accommodate 87 basement car parking spaces and a total gross floor area of 5259m², resulting in an FSR of 3.2:1. A detailed floor by floor description is given below.

Basement Level Two (Lower basement)

Basement Level Two is situated completely underground and contains the following:

- 49 car spaces including 1 small car space and two stacked spaces
- 32 bicycle parking spaces
- 2 male and 2 female shower facilities
- Services/plant
- 2 lifts, stairwell and lobby in the central core of the building

A two way vehicle access ramp located against the level's eastern edge merges left into a one way traffic system circulating the level. A convex mirror provides visual coverage for vehicles turning in/off the ramp whilst entering and exiting the level. Car spaces 81 and 82 are stacked and any future subdivision / tenancy arrangements, subject to a separate DA, will ensure that the stacked spaces are allocated to the same tenancy.

Basement Level One (upper basement)

Basement Level One is accessible at ground level off Keira Lane. Due to the natural fall of the site Basement Level One is underground at the sites eastern boundary. It contains the following:

- 38 car spaces (including two accessible spaces)
- 5 motorcycle spaces
- 3 bicycle spaces
- Garbage storage area with roller door access to Keira Lane and the loading bay
- Meter room
- Plant room
- 2 lifts, stairwell and lobby in the central core of the building
- 2 separate pedestrian egress paths from Keira Lane
 - to the stairwell and
 - Basement :Level One
- Separate one way vehicle entrance and exit from Keira Lane

Level One (Ground Floor to Keira Street)

Level One will provide street level frontage to Keira Street. Its glass façade is articulated by brick fenestration in response to the existing architectural rhythm of the street. The main building entrance is emphasised by a vertical element which is stepped back from the street corner to respond to the design of the Natural Mutual Life Association Building along Keira Street. Due to the natural fall of the site Level One will read as the second storey along Keira Lane.

Level One contains:

- 1308m² commercial space
- Main building entrance to Keira Street and building lobby
- 2 lifts and stairwell in the central core of the building
- Tea room, utility services, male, female and accessible facilities, located around the central core
- Paved terrace area in the north western corner.

Levels Two & Three

Levels two and three will have the same architectural façade and the height of level three will correspond with the existing height of the adjacent buildings along Keira Street. Levels Two and Three will have the same floor plan to contain:

- 1407m² commercial space
- 2 lifts and stairwell in the central core of the building
- Tea room, utility services, male, female and accessible facilities, located around the central core

Level Four

The uppermost floor of the building will be of a smaller size than the lower floors and is set back from the Keira Street frontage. It will contain:

- 1137m² commercial space
- 2 lifts and stairwell in the central core of the building
- Tea room, utility services, male, female and accessible facilities, located around the central core
- Plant room adjacent to the amenities at the southern edge of the building
- Terraced areas along the Keira and Victoria Street frontages

1.2 PLANNING CONTROLS

The following planning controls apply to the development:

- State Environmental Planning Instruments
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy (Major Development) 2005
 - State Environmental Planning Policy No. 55 – Remediation of Land
 - State Environmental Planning Policy No. 64 – Advertising and signage
 - State Environmental Planning Policy No. 71 – Coastal Protection
- Local Environmental Plans
 - Wollongong Local Environment Plan (WLEP) 2009

- Development Control plans
 - Wollongong Development Control Plan 2009
 - Wollongong Section 94A Development Contributions Plan 2010

1.3 BACKGROUND

There are a number of historical development applications for the site. Of particular relevance to this application is the pre-lodgement meeting PL-2010/13 that was held in April 2010 prior to submitting this application. However, the proposed development at the pre-lodgement was significantly larger with an overall height well in excess of the maximum permitted for the site. The applicant was advised that a substantial variation would not be supported...

Customer service actions

There are a number of customer service requests relating to fencing and poles outside the premises but nothing outstanding that is of relevance to the current application.

1.4 SITE DESCRIPTION

The subject site is known as 134-140 Keira Street, Wollongong and is legally described as Lot 11 DP 68930, Lot 1 DP 232667 and Lot 4 DP 593415. The site sits on the southern corner of the Victoria Street intersection.

The site is regular in shape and has an overall area of 1,653m². The frontage to Keira Street is approximately 35.42m, and 46.71m to Victoria Street. The property slopes from its eastern to western boundary, with an approximate cross fall of 2m across the site.

The locality is characterised predominantly by medium density commercial developments and the site is located approximately 250m from the Wollongong Mall.

Site constraints

Council records indicate the site is affected by a RTA road widening proposal, however the RTA have provided confirmation that there are no proposals to widen the road at this location.

The site is further classified as being affected by class 5 Acid Sulphate Soils. Conditions of consent are recommended in this regard.

1.5 CONSULTATION

1.5.1. INTERNAL CONSULTATION

Geotech

Council's Geotechnical Engineer has reviewed the application and provided the following comment:

The development proposal includes two levels of basement which require excavation to 6m depth. There is no known history of slope instability in this area and as such there is no need for any geotechnical information to be submitted to demonstrate feasibility of the project from a geotechnical perspective. However the depth of excavation could encroach into the zone of influence of foundations of other structures. Therefore the site preparation earthworks need to be undertaken with geotechnical supervision to ensure that adequate support is provided during and after construction to protect adjoining development. Furthermore it is likely that some hard bedrock will need to be removed. Geotechnical guidance is recommended for the selection of excavation techniques to minimise noise and vibration nuisance.

Appropriate conditions are attached in regards to the above.

Stormwater

Council's Stormwater Engineer has provided a satisfactory referral subject to appropriate conditions of consent.

Landscaping

Council's Landscape Architect has provided a satisfactory referral subject to appropriate conditions of consent.

Traffic

The traffic section has considered the car parking variation request submitted by Urbis in light of the current Wollongong DCP review process and Council's strategic plans for Wollongong City Centre and has provided a satisfactory referral subject to appropriate conditions of consent.

Heritage

Council's Heritage Officer has provided a satisfactory referral subject to appropriate conditions of consent.

Environment

Council's Environment Officer has provided a satisfactory referral subject to appropriate conditions of consent.

Safer Community Action Team (SCAT)

Council's SCAT Officer has provided a satisfactory referral subject to appropriate conditions of consent.

Civil Works in the Road Reserve

Council's Works Officer Engineer has provided a satisfactory referral subject to appropriate conditions of consent.

Strategic

Council's Strategic Planning section provided comment in relation to Council's strategic plans for Wollongong City Centre and the review of WDCP2009, in particular the proposed revised parking rates. Strategic Planning advises that the first part of the review will be reported to Council in the April round and will include recommendations on revised parking rates.

1.5.2. EXTERNAL CONSULTATION

Department of Planning

The application required concurrence from the Director General of the Department of Planning for the requested variation to the 16m height limit in accordance with Clause 4.6 of WLEP 2009. The Department have provided concurrence in this regard at attachment 6.

RTA

The application was referred to the RTA for comment as Council records indicate the site is affected by RTA road widening proposals. In addition, the application requires RTA comment in accordance with clause 104 of the Infrastructure SEPP for traffic generating development.

The RTA clarified that no road widening proposals affect the site. The RTA Officer did however raise the issue of the effect of additional traffic from the development on pedestrian safety and amenity in Keira Lane.

It was noted however that the decision whether to pursue this matter would ultimately rest with Council the lane is under care and control of Council. Council's Traffic Engineer has advised that upgrading of the laneway as described does not form part of any broader Council strategy and is not considered relevant to the current application.

The RTA has no other concerns or conditions.

Integral Energy

Integral Energy were referred the application for comment in relation to any specific requirements they may have had. They advised that a pad mount substation would be required and that the applicant would be required to nominate a Level 3 Service Provider.

The proposal provides a pad mount substation and a condition is proposed to be attached to the consent in relation to the service provider.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 79C ASSESSMENT

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	See section 2.2
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	See section 2.3
<i>(iii) any development control plan, and</i>	See section 2.4
<i>(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, and</i>	See section 2.5
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i>	See section 2.6
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	See section 2.7
<i>(c) the suitability of the site for the development,</i>	See section 2.8
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
<i>(e) the public interest.</i>	See section 2.10

2.2 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.2.1. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The following clause of this SEPP applies as the development is for a commercial premises with a gross floor area in excess of 2,500m² (5259m²) that connects to a classified road (Keira Street) within 90m.

The RTA have been referred the application and have provided comment as outlined at section 1.5.2 of this report.

2.2.2. STATE ENVIRONMENTAL PLANNING POLICY (MAJOR DEVELOPMENT) 2005

The proposal is Regional Development pursuant to Clause 13C (b) of State Environmental Planning Policy (Major Development) 2005. The proposal is required to be determined by the JRPP due to the building being in excess of 13 metres in height within the coastal zone.

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

Under Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land, a consent authority is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent. The subject site is zoned for the proposed development and is

currently being used for the same purposes. There is no previous history of other uses that could be considered to be potentially contaminating. It is considered that the subject site has a low contamination risk. The site is considered unlikely to be contaminated and is suitable for the proposed development. Therefore the proposal is considered to be consistent with SEPP 55

2.2.4. STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

The application does not propose any specific signage however it does indicate generic signage space for future tenants. This signage is in the form of flush business identification signage and would be exempt development. A condition is proposed to be attached to any consent in relation to the requirement for development consent for future signage which is not exempt.

2.2.5. STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

State Environmental Planning Policy No. 71 – Coastal Protection does not apply to land within the Wollongong City Centre pursuant to Clause 1.9(2A) of WLEP 2009.

2.2.6. WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 1.4 Definitions

The proposal is categorised as *office premises / business premises / retail premises*, all of which are permissible in the zone with development consent.

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal provides office/business premises within the city centre close to services. The design and location of the development is considered to contribute to public transport use and alternate modes of transport. Therefore the proposal is considered to have regard to the objectives.

Part 4 Principal development standards

Clause 4.3 Height of buildings

A maximum height of 16m is permitted for the site and the proposal has a maximum building height of approximately 18.1m at the north-western corner of the building.

The applicant provided a written request seeking to justify the contravention of the development standard in accordance with clause 4.6 and is supported in this instance. The Department of Planning have provided their concurrence for the requested variation.

Clause 4.4A Floor space ratio – Wollongong city centre

The maximum FSR for the site is as follows:

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

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

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

(3.5 + 2.5X):1

X = (site in square metres – 800) / 1200

= (1653 – 800) / 1200

= 0.711

FSR = (3.5 + (2.5 x 0.711)):1

= 5.28:1

The proposed FSR for the site is as follows:

Site area: 1653m²

Gross floor area: 5259m²

FSR = 5259/1653 = 3.18:1

The proposal complies in this regard.

Clause 4.6 Exceptions to development standards

A variation statement has been provided and has been assessed to have regard to the objectives of this clause. The variation statement is contained at Attachment 4. It is considered that the proposed variation will have no negative impacts on the streetscape or surrounding development. The area of greatest impact of the non-compliance adjoins land zoned for a maximum height limit of 32m. The 2m variation does not extend for the full height of the building but is wedge shaped being 16m (compliant) at the Keira Street frontage and 18.1m at the rear on Keira lane, this is due to the slope of the land. This is considered appropriate within this context and provides a more appropriate transition between the 16m and 32m zones and does not have any detrimental amenity impacts.

Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The proposal is not located on or near the coastal foreshore and it is not expected to have any impacts on flora or fauna. There are not expected to be any adverse impacts on the coastal environment and the application is considered satisfactory in regards to this clause.

Clause 5.10 Heritage conservation

The site is located in the vicinity of a number of heritage items and is located within the Keira Street Special area. Council's Heritage Officer has reviewed the application and has not raised any objections in relation to heritage matters.

Local provisions – general

Clause 7.5 Acid Sulfate Soils

Council records indicate the site is affected by class 5 acid sulphate soils. Council's Environment Officer has not raised any concerns in this regard subject to appropriate conditions of consent.

Clause 7.6 Earthworks

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

- (a) *to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land,*

Conditions are recommended in this regard.

- (b) *to allow earth works of a minor nature without separate development consent.*

N/A

(2) *Development consent is required for earthworks, unless:*

- (a) *the work is exempt development under this Plan, or*

- (b) *the consent authority is satisfied the work is of a minor nature.*

N/A

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

Council's Stormwater and Geotechnical Engineers have reviewed the application and recommended appropriate conditions in this regard.

- (b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

The earthworks facilitate efficient and appropriate use of the land.

- (c) *the quality of the fill or of the soil to be excavated, or both,*

The site is not categorised as being affected by contamination. No specific conditions are required for the excavation.

- (d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*

Conditions are recommended in relation to disturbance to adjoining properties during works.

- (e) *the source of any fill material or the destination of any excavated material,*

As outlined at (c).

- (f) *the likelihood of disturbing Aboriginal objects or other relics,*

The site is not listed as being affected by Aboriginal heritage.

- (g) *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

No impacts are expected in this regard.

Clause 7.13 Ground floor development on land within business zones

- (1) *The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.*
- (2) *This clause applies to land in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core or Zone B4 Mixed Use.*
- (3) *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 ground floor of the development will not be used for residential purposes and will have entrances and windows addressing Keira Street. No entrances are proposed off Victoria Street due to the slope of the land at this frontage. The Victoria Street façade is provided with extensive glazing that will provide passive surveillance of the public domain.

Part 7 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The 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 proposed development is considered to have regard to these objectives as it contributes towards economic revitalisation of the Wollongong City Centre and is considered to exhibit design excellence.

Clause 8.4 Minimum building street frontage

- (1) *The objective of this clause is to ensure that buildings have a minimum width to provide for the efficient development of land and design of buildings.*
- (2) *Development consent must not be granted to the erection of a building that does not have at least one street frontage of 20 metres or more on land within Zone B3 Commercial Core, B4 Mixed Use or B6 Enterprise Corridor.*
- (3) *Despite subclause (2), the consent authority may grant consent to the erection of a building on land referred to in that subclause if it is of the opinion that it is not physically possible for the building to be erected with at least one street frontage of 20 metres or more.*

The site has a street frontage of 35.42m on the Keira Street frontage.

Clause 8.5 Design excellence

- (1) *The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) *This clause applies to development involving the construction of a new building or external alterations to an existing building.*

(3) *Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.*

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

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

The building is considered to be of a high quality design with appropriate proportions and an articulated façade. Glazing is provided to the ground floor street frontage. A sample board was provided for the development.

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

The proposed development is considered to positively contribute towards the visual amenity of the public domain. It will further provide a more active and efficient use of the land, contributing to the revitalisation of the commercial core.

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

The development will not impact on any significant view corridors.

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

N/A

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

(i) *the suitability of the land for development,*

The land is considered appropriate with regards to the constraints, relevant planning controls and likely impacts.

(ii) *existing and proposed uses and use mix,*

The development is considered appropriate with regards to the existing and likely future uses in the locality.

(iii) *heritage issues and streetscape constraints,*

The development is not expected to have any detrimental impacts on heritage items in the locality.

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

The proposed building is considered satisfactory in its relationship to surrounding developments and complies with the development controls with regards to setbacks, separation and urban form.

(v) *bulk, massing and modulation of buildings,*

The building is not considered to be of excessive bulk and is well articulated.

(vi) *street frontage heights,*

The proposal is satisfactory with regards to street controls relating to street frontage heights as outlined in the Clause 8.6 of WLEP 2009 and Chapter D13 Section 2.2 of WDCP 2009.

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

The proposal is not expected to result in any significant overshadowing, wind or reflectivity impacts. An energy efficiency report has additionally been provided with the

application demonstrating achievement of a 4 star rating under the Australian Building Greenhouse Rating (ABGR) scheme.

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

An energy efficiency report has been provided and the application is not expected to result in unreasonable energy or water consumption. Conditions are attached to the consent that water fixtures are to be a minimum of 3 star rated. There are not expected to be any significant adverse environmental impacts and the development is considered satisfactory with regards to the principles of ESD.

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

The proposal is satisfactory with regards to traffic matters.

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

The proposal is considered to provide improvements to the public domain through construction of a modern building of high quality design in an appropriate locality.

(5) *Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development:*

(a) *development in respect of a building that is, or will be, greater than 35 metres in height,*

(b) *development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,*

(c) *development for which the applicant has chosen to have such a review.*

(6) *In this clause:*

design review panel means a panel of 2 or more persons established by the consent authority for the purposes of this clause.

The site is not listed as a Key site and is not over 35 metres in height.

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

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

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

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

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

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

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

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

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

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

(5) *In this clause:*

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

The building is built to the front alignment and the street frontage height is 16m and the development does not include dwellings. The proposal satisfies the requirements of this clause.

2.3 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.4 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.4.1. WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES

The development is located in a business zone and as such this chapter is applicable to the development. An assessment against the relevant sections is outlined below.

2 Objectives

The development is considered consistent with the objectives of development in business zones.

3. Retail and business centre hierarchy strategy

3.3 Regional City – Wollongong City Centre

The development is considered to be consistent with the objectives for retail and business centres.

4 Economic impact assessment – retail hierarchy

The proposal may involve a ground floor retail component however it does not require an economic impact assessment report as the retail floor area is not envisaged to exceed 3,500m²

5 Planning requirements for development in the regional city and major regional centres

5.1 Wollongong City Centre

1. The specific planning requirements for development upon any land within the Wollongong City Centre are contained in Part D (Locality Based/ Precinct Plan) of this DCP.

9 General design requirements for retail and business premises developments

9.1 Objectives

<i>Control/ objective</i>	<i>Comment/ compliance</i>
<ul style="list-style-type: none">Uniform transition from footpath to entry Provided	Provided
<ul style="list-style-type: none">all ground level premises have direct access to street and clear glazing, to encourage active street frontages.	Provided
<ul style="list-style-type: none">ensure new retail or business premise buildings are consistent with the predominant built form character of the locality, in terms of built form and external appearance.	Satisfactory
<ul style="list-style-type: none">new buildings maintain the balance of horizontal and vertical proportions of other existing buildings in the locality.	Satisfactory
<ul style="list-style-type: none">new retail, business or mixed use buildings provide a continuous awning along the full length of the building's street frontage.	Provided
<ul style="list-style-type: none">provide innovative roof elements and parapet walls which positively contribute to the overall design of the proposed building and the streetscape of the immediate locality	Satisfactory
<ul style="list-style-type: none">minimise potential overshadowing impacts and maximise solar access opportunities to any adjoining residential properties and the public domain.	There are not expected to be any significant detrimental

<i>Control/objective</i>	<i>Comment/compliance</i>
	overshadowing impacts.

9.2 Development Controls

9.2.1 Floor Configuration

<i>Control/objective</i>	<i>Comment/compliance</i>
<ul style="list-style-type: none"> retail premises of less than 200m² in gross floor area should generally have a depth to width ratio ranging between 1:1 and a maximum 3:1 	The final internal configuration of the building is yet to be determined however it is envisaged that this requirement could be met.
<ul style="list-style-type: none"> maximum building depth for any ground floor retail or commercial office development shall be 20 metres with openings on one side only. The maximum building depth for any retail or office building with openings on two or more side is 30 metres. 	The building has a frontage of 44m to Victoria Street and 35m to Keira Street and exceeds the maximum building depth. The building does however have openings on north, west and east and the majority of floor space within the building will be within 10m of a source of daylight.
<ul style="list-style-type: none"> floor to ceiling height of the ground floor development in a B1 or B3 zone shall be a minimum 3.3 metres, in order to allow flexibility 	Provided.
<ul style="list-style-type: none"> height requirements for ground and first floor levels of a development situated upon land within the B3 Commercial Core zone of the Wollongong City Centre, are specified in clause 2.6.2 in Chapter D13 	Complies – see Chapter D13 below.
<ul style="list-style-type: none"> Where sites are amalgamated, the design of any new building should express the existing or prevalent lot structure in the immediate locality. 	The site proposes amalgamation of three smaller lots and is considered consistent with existing and likely future lot sizes

9.2.2 Building Appearance

<i>Control/objective</i>	<i>Comment/compliance</i>
<ul style="list-style-type: none"> New retail or business development shall continue the predominant built form character of the locality 	The proposed built form is considered to be sympathetic to the existing character of the locality.
<ul style="list-style-type: none"> For large buildings including multi-storey mixed use buildings, the treatment of the facades should be designed to provide character, visual legibility and human scale and to delineate the distinct uses 	Satisfactory
<ul style="list-style-type: none"> Facades facing each street or lane should be composed as at least three distinct layers. In this respect: <ul style="list-style-type: none"> (a) The “base” of each building includes the ground floor, and may also include the second and third storey above street level. (b) The “middle” of each building should accommodate at least one level, but not the uppermost storey. (c) The “top” of each building should accommodate the upper-most storey and the roof. 	Satisfactory
<ul style="list-style-type: none"> New buildings should also maintain the balance of horizontal and vertical proportions of other existing 	Satisfactory

<i>Control/ objective</i>	<i>Comment/ compliance</i>
<p>buildings in the locality.</p> <ul style="list-style-type: none"> • profile of parapets and roof top elements should be integrated in the overall roof design of the building. • external building materials and finishes of any retail or business development should be sympathetic to the existing fabric and character of buildings within that retail and business precinct. 	<p>Satisfactory</p> <p>The locality characterised by mixture of older poor quality buildings and heritage items not consistent in nature. The design of the building is however considered to be sympathetic to the scale and proportions of surrounding buildings and not to detract from any heritage items.</p>
<ul style="list-style-type: none"> • Highly reflective finishes, reflective glass and curtain wall glazing are not permitted above ground floor level. 	<p>Satisfactory</p>
<ul style="list-style-type: none"> • The reflectivity of glazing shall be restricted to less than 20%. 	<p>A satisfactory reflectivity report has been provided.</p>
<ul style="list-style-type: none"> • The applicant is to submit a schedule of proposed external building materials and finishes (colours) board which shows the proposed building materials and finishes (colours) to be used on the external facades of the building 	<p>A colour sample board and colour schedule has been provided.</p>

9.2.3 Building Alignment

<i>Control/ objective</i>	<i>Comment/ compliance</i>
<ul style="list-style-type: none"> • The design of corner buildings should reflect the geometry of the road, topographical conditions of the immediate locality and sight lines. 	<p>Satisfactory</p>
<ul style="list-style-type: none"> • Buildings should be aligned with footpaths to create spatial enclosure and a sense of place. 	<p>Satisfactory</p>

9.2.4 Active Street Frontages

<i>Control/ objective</i>	<i>Comment/ compliance</i>
<ul style="list-style-type: none"> • All new retail, business or mixed use buildings are required to provide ground level active street frontages. 	<p>Satisfactory</p>
<ul style="list-style-type: none"> • Buildings should contain no more than 5 metres of ground floor wall without a door or window. Windows should make up at least 50% of the ground floor front wall. 	<p>Satisfactory</p>
<ul style="list-style-type: none"> • Buildings with frontages to retail streets are to contribute to the liveliness and vitality of those streets by: <ul style="list-style-type: none"> (a) Providing product retailing and / or food and drink premises within all enclosed shop fronts; 	<p>Satisfactory</p>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> (b) Minimising the extent and visual impact of building entrances, office lobbies, foyers, vehicle entrances and other entries not associated with retail, service areas and fire escapes; 	<p>Satisfactory</p>
<ul style="list-style-type: none"> <ul style="list-style-type: none"> (c) Locating activities that may involve queuing (e.g. automatic teller machines) behind building frontages so that footpaths remain free for pedestrian movement; and 	<p>Satisfactory</p>

<i>Control/ objective</i>	<i>Comment/ compliance</i>
(d) Providing a high standard of finish to retail shopfronts.	Satisfactory
4. All street frontage windows at ground level are to have clear glazing.	Satisfactory
5. Display windows with clear glazing to ground floor retail and business premises are required with a maximum window sill height of 0.7 metres above finished ground level.	Satisfactory
6. Security grilles are to be fitted only within the retail shopfront. Such grilles are to be transparent and not of any roller door type.	The proposal does not involve security grilles. It will however be a condition of consent that should such grilles be installed that they meet this requirement.

9.2.5 Urban Design / Streetscape Appearance

<i>Control/ objective</i>	<i>Comment/ compliance</i>
1. The siting, form, height and external appearance of any retail or business premise development should be sympathetic with adjoining buildings in the surrounding retail and business precinct in addition to any abutting or nearby residential dwellings.	Satisfactory
2. The parapet height of any retail or business premises building must be consistent with the parapet height of the surrounding streetscape of the locality.	Satisfactory
3. Any retail or business premises (commercial office) building should feature highly articulated facades, particularly any facades facing road frontages and any abutting residential area, in order to add visual interest to the building.	Satisfactory
4. The horizontal form of any building should also be broken up vertically, in order to provide visual relief and interest to the development. The horizontal and vertical emphasis is especially critical for the middle and upper levels of a building.	Satisfactory
5. Any retail or commercial office building must be designed to provide active street frontages on the ground floor level of the building to all street frontages and in some cases, Council may require appropriate pedestrian thoroughfare links.	An active street frontage is provided to the primary street frontage of Keira Street. The site falls away to the rear so the frontage on Victoria Street does not contain openings to the street. There is however extensive glazing and passive surveillance provided to this frontage and the proposal is considered satisfactory in regards to active street frontages.
6. External walls should be constructed of high quality and durable materials and finishes with low maintenance costs.	Satisfactory
7. Highly reflective finishes are not permitted above ground floor level.	Satisfactory
8. An external materials and finishes board and accompanying A4 sized photograph of the external materials and finishes board	Provided.

<i>Control/ objective</i>	<i>Comment/ compliance</i>
must be submitted with the Development Application.	

9.2.6 Pedestrian Access

<i>Control/ objective</i>	<i>Comment/ compliance</i>
Direct pedestrian access and visual inspection should be provided from the front of the building, to encourage active street frontage to retail shops and business premises.	Provided

9.2.7 Awnings

<i>Control/ objective</i>	<i>Comment/ compliance</i>
2. All retail, business or mixed use buildings must provide a continuous awning along the full length of the building's street frontage, in order to provide all weather protection for pedestrians.	Provided
3. Awnings should be designed of a solid cantilevered / suspended steel box type section with a minimum soffit height of 3.2 metres, taking into account the grade of the road reserve (footway area).	Satisfactory
4. Under awning lighting is required for the majority of retail and business centres in the LGA, except for the small village (local convenience) centres. The under awning lighting should either be recessed into the soffit of the awning or wall mounted on the building.	Provided
5. Awnings shall also be designed to provide adequate shade and shelter for pedestrians.	Awnings are provided to the Keira Street frontage.
6. All awnings shall be weather sealed to the face of the building to which they are attached.	Satisfactory
7. Awnings shall be setback a minimum of 600 millimetres from the kerb line of the road carriageway.	Satisfactory

9.2.8 Public Domain – Footpath Paving

<i>Control/ objective</i>	<i>Comment/ compliance</i>
<ul style="list-style-type: none"> Pedestrian routes should be clear, safe and well lit to all pedestrians including people with a disability or decreased mobility and children. 	Level access is provided to the ground floor
<ul style="list-style-type: none"> Footpath paving treatment should be consistent with the relevant Public Domain Technical Manual for the relevant business centre at either Appendix 2 or Appendix 3 to this DCP. 	This is reflected through the conditions of consent.

9.2.9 Solar access and overshadowing

<i>Control/ objective</i>	<i>Comment/ compliance</i>
All retail and business developments are to be designed so as to minimise overshadowing impacts and maximise solar access opportunities to any adjoining residential properties and the public domain (public reserves and / or footpaths) in the locality.	No significant overshadowing impacts are expected.

9.2.10 Shower and Change Facilities & Parenting Facilities in Large Business Premises / Commercial Office Buildings

<i>Control/objective</i>	<i>Comment/compliance</i>
Any new commercial office / business premises building with a total gross floor area of 10,000 square metres or greater should be provided with suitable shower and change facilities, to encourage staff to use active transport alternatives.	The development does not comprise a gross floor area in excess of 10,000m ² . The proposal does however provide male and female shower facilities.

9.2.11 Advertising Signage

None proposed.

9.2.12 Wind Impact Assessment

No change in bulk or scale of building.

9.2.13 Access, Car parking and Servicing

See Chapter E3

9.2.14 Access for People with a Disability

See Chapter E1

9.2.15 Land Consolidation

<i>Control/objective</i>	<i>Comment/compliance</i>
Where a development spans several allotments, consolidation of these allotments will be required as a condition of consent.	A condition will be attached to the consent in this regard.

13 Works in the public domain

Conditions are attached to the consent with regards to works in the public domain to be in accordance with the Public Domain Technical Manual.

CHAPTER D1 – CHARACTER STATEMENTS

Wollongong City Centre

<i>Development principles for this regional city centre include:</i>	<i>Comment</i>
<ul style="list-style-type: none"> Grow jobs in the heart of the city centre; 	Stimulates employment by providing commercial space in the city centre.
<ul style="list-style-type: none"> Encourage diverse precincts around the city centre; 	Satisfactory
<ul style="list-style-type: none"> Create a living city by encouraging mixed use development that complements the centre's core employment role; 	The building is capable of mixed use.
<ul style="list-style-type: none"> Develop a distinct role and character for the centre; 	Satisfactory
<ul style="list-style-type: none"> Ensure high quality design of buildings and public areas; 	The building is considered to be of a high quality design.
<ul style="list-style-type: none"> Enhance transport links to and from the centre; and 	N/A

<i>Development principles for this regional city centre include:</i>	<i>Comment</i>
<ul style="list-style-type: none"> Improve the natural environment. 	The development contributes to sustainability objectives through encouraging bicycle and public transport through incorporation of appropriate internal facilities and amenities. An energy Efficiency report was additionally provided for the development.
<i>Key actions to facilitate the city's growth include:</i>	<i>Comment</i>
<ul style="list-style-type: none"> Improving development and coordination within the health precinct; 	N/A
<ul style="list-style-type: none"> Attraction of new finance and business and government office jobs to the centre; 	The proposal provides substantial commercial space in the city centre.
<ul style="list-style-type: none"> Managing the foreshore to enhance its appeal while protecting its natural assets; 	N/A
<ul style="list-style-type: none"> Building on the university presence to establish Wollongong as a "learning city", leading to high value jobs; 	N/A
<ul style="list-style-type: none"> Growing activity in cultural industries; and 	N/A
<ul style="list-style-type: none"> Enhancing movement in and around the city centre. 	Large number of bicycle spots and amenities provided.

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

2 Building form

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.2 Building to street alignment and street setbacks</u>		
<ul style="list-style-type: none"> In the commercial core, buildings are to be built up to the street alignment to reinforce the urban character and improve pedestrian amenity and activity at street level. Above street frontage height, tall buildings are to be set back to provide for sunlight to streets, and daylight to pedestrian areas and lower levels of other buildings. In the Commercial Core, build to the street alignment or specified setback with 4m minimum further setback above street frontage height. 	Proposal is built to front boundary and setback on the top floor provided by way of a 4.2m wide terrace.	Y
<i>Street frontage height</i> The vertical distance measured in metres at the centre of the street frontage from the average of		

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the façade is situated. No part of the façade is to be less than 80 per cent of the height.		
<u>2.3 Street frontage heights in commercial core</u>		
<ul style="list-style-type: none"> The street frontage height of buildings in the Commercial Core are not to be less than 12m or greater than 24m above mean ground level on the street front. 	Street frontage height of 12m provided.	Y
<u>2.4 Building depth and bulk</u>		
c) All points on an office floor should be no more than 10m from a source of daylight (e.g. window, light well or skylight) in buildings less than 24m in height,	Areas of the building are greater than 10m from source of daylight. These areas are however largely taken up with the internal foyer area and amenities. The remaining areas that do not comply are still expected to have satisfactory amenity given the open plan style of the internal layout.	N
<u>2.5 Side and rear building setbacks and building separation</u>		
<ul style="list-style-type: none"> In the Commercial Core, zero side and rear setbacks up to street frontage heights, All uses (including non-habitable residential) between street frontage height and 45m, 6m side and rear setbacks. 	Zero front and side setback provided up to street frontage height.	Y
<u>2.6 Mixed used buildings</u>		
b) Minimum floor to ceiling heights are 3.3 metres for commercial office and 3.6 metres for active public uses, such as retail and restaurants in the B3 Commercial Core zone.	The proposal is for commercial and business use only.	Y
<u>2.7 Deep soil zone</u>		
All residential developments must include a deep soil zone	The proposal does not involve a residential component.	N/A
<u>2.8 Landscape design</u>		
See Chapter E6		
<u>2.9 Planting on structures</u>		N/A
<u>2.10 Sun access planes</u>		N/A

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
2.11 Development on classified roads		
<p>a) Consent must not be granted to the development of land that has a frontage to a classified road unless the consent authority is satisfied that:</p> <p>b) Where practicable, vehicular access to the land is provided by a road other than the classified road; and</p> <p>c) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of:</p> <p>i) The design of the vehicular access to the land, or</p> <p>ii) The emission of smoke or dust from the proposed development, or</p> <p>iii) The nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>d) The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development.</p>	<p>The proposal is located on Keira Street which is a classified road.</p> <p>Vehicular access is provided via rear lane and no adverse impacts are expected on Keira Street.</p> <p>The RTA has not raised any objection in this regard.</p>	Y

3 Pedestrian amenity

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
3.2 Permeability		
<p>b) Lanes are to:</p> <p>i) have active frontages,</p> <p>ii) be clear and direct throughways for pedestrians,</p> <p>iii) provide public access at all times or as otherwise stipulated by Council's conditions of approval,</p> <p>iv) have a minimum width of 6m clear of all obstructions, and</p> <p>v) have signage indicating public accessibility and the street to which the lane connects.</p> <p>c) Where lanes are primarily used for building access and servicing, 'safer by design' principles must be demonstrated (refer to Section 3.3).</p>	<p>The rear laneway does not have an active frontage however it is not a primary pedestrian corridor. Further, due to the sloping nature of the land and need to provide basement car parking, this frontage is occupied by access and servicing for the building.</p>	N

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
3.3 Active street frontages		
<p>a) In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level.</p> <p>b) Active street fronts in the form of non-residential uses on ground level are required along streets, lanes and through site links shown in Figure 3.4 for all buildings in the Commercial Core and Tourist zones, and for mixed use buildings in the Mixed Use (city edge) and Enterprise zones.</p> <p>c) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.</p> <p>d) For all non-residential ground floor frontages outside the streets shown in Figure 3.4, provide clear glazing where ever possible to promote passive surveillance and contribute to street activity.</p> <p>e) Restaurants, cafes and the like are to consider providing open able shop fronts.</p> <p>f) Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.</p> <p>g) Provide multiple entrances for large developments including an entrance on each street frontage.</p>	Active street frontage to Keira St provided.	Y
3.4 Safety and security		
See Chapter E2 Of DCP		
3.5 Awnings		
<p>a) Continuous street frontage awnings are to be provided for all new developments as indicated in Figure 3.6.</p> <p>b) Awning design must match building facades and be complementary to those of adjoining buildings.</p> <p>c) Wrap awnings around corners for a minimum six metres from where a building is sited on a street corner.</p> <p>d) Awnings dimensions should generally be:</p> <p>i) Minimum soffit height of 3.3 metres,</p> <p>ii) Low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height),</p>	<p>An awning that complies with these controls is provided for the Keira Street frontage.</p> <p>The awning is not however wrapped around the building to Victoria Street. It could potentially be made to wrap around the building however there are no entries to this frontage. The land also slopes away from Keira Street to the laneway at the rear and the resultant height of the awning may compromise its effectiveness in providing protection from the elements. Further, an awning along this frontage would not tie in to an awning on adjoining land.</p>	N

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>iii) Setback a minimum of 1.2 metres from the kerb, and</p> <p>iv) Generally minimum 2.4 metres deep.</p> <p>e) To control sun access/protection, canvas blinds along the street edge may be permitted, subject to design merit and assessment.</p> <p>f) Signage on blinds is not permitted.</p> <p>g) Provide under awning lighting to facilitate night use and to improve public safety.</p> <p><u>3.6 Vehicular footpath crossings</u></p> <p>a) No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified as significant pedestrian circulation routes in Figure 3.7.</p> <p>b) In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.</p> <p>c) Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian and cyclist activity.</p> <p>d) Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.</p> <p>e) Vehicle access may not be required or may be denied to some heritage buildings.</p> <p><i>Design of Vehicle Access</i></p> <p>a) Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7 metres over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4 metres may be permitted for safety reasons</p> <p><u>3.7 Pedestrian overpasses, underpasses and encroachments</u></p>	<p>No additional vehicle entry points are proposed from Keira St and vehicular access and servicing is provided from the rear laneway.</p> <p>A separate entry and exit driveway is proposed to the car park area. This is considered satisfactory in this instance due to the size of the development across three lots.</p>	<p>Y</p> <p>N/A</p>

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.8 Building exteriors</u> <ul style="list-style-type: none"> • Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings • Balconies and terraces should be provided • Articulate facades • High quality and durable construction • Limit opaque or blank walls for ground floor uses • Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass • Highly reflective finishes and curtain wall glazing are not permitted above ground floor level 	<ul style="list-style-type: none"> • The building is considered to be of a high quality design with appropriate proportions and an articulated façade. • Glazing is provided to the ground floor street frontage. • A sample board was provided for the development. 	Y
<u>3.9 Advertising and signage</u>	No specific signage proposed in the application.	N/A
<u>3.10 Views and view corridors</u>		
a) To maintain and enhance views from the city centre to the foreshore, escarpment and significant objects (such as the lighthouse) wherever possible. b) To enhance views along city streets. c) To protect silhouettes of the tops of major buildings or structures as seen against the sky or backdrop of the escarpment or foreshore.	The application is not expected to adversely impact on any significant view corridors.	Y

4 Access, parking and servicing

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.2 Pedestrian access and mobility</u>		
a) Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. b) The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, AS 2890 Pt 1, or as amended) and the Disability Discrimination Act 1992 (as amended).	<ul style="list-style-type: none"> • The building entry clearly visible • Suitable access for disabled persons is provided. 	Y

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>c) The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.</p> <p>d) The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.</p> <p>e) Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours in accordance with Council's Public Domain Technical Manual.</p> <p>f) Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1:2001, AS/NZS 2890.1:2004 and the Disability Discrimination Act.</p> <p><u>4.3 Vehicular driveways and manoeuvring areas</u></p> <p>a) Driveways should be:</p> <p>i) Provided from lanes and secondary streets rather than the primary street, wherever practical.</p> <p>ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.</p> <p>iii) Located a minimum of 6 metres from the perpendicular of any intersection of any two roads.</p> <p>iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.</p> <p>b) Vehicle access is to be designed to:</p> <p>i) Minimise the impact on the street, site layout and the building façade design; and</p> <p>ii) If located off a primary street frontage, integrated into the building design.</p> <p>c) All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.</p> <p>d) Design of driveway crossings must be in accordance with Council's standard Vehicle</p>	<ul style="list-style-type: none"> • Access is from the secondary lane • Vehicles can enter and exit the site in forwards direction • Satisfactory referrals have been received from Council's Works Officer and Traffic Engineer with regards to the other issues and appropriate conditions recommended. 	<p>Y</p>

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>Entrance Designs, with any works within the footpath and road reserve subject to an s138 Roads Act approval.</p> <p>e) Driveway widths must comply with the relevant Australian Standards.</p> <p>f) Car space dimensions must comply with the relevant Australian Standards.</p> <p>g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2990.1).</p> <p>h) Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths and design must be in accordance with AS 2890.1.</p> <p>i) Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.</p> <p>j) For residential development in the General Residential zone, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.</p> <p><u>4.4 On-site parking</u></p> <p>See chapter E3 below</p> <p><u>4.5 Site facilities and services</u></p> <ul style="list-style-type: none"> Provide appropriate services for the development and appropriately integrate them into the building. 		
	<p>The site is currently serviced with the major utilities.</p> <p>Waste servicing and other facilities are suitably integrated within the development.</p> <p>Additional conditions are recommended in regards to specific requirements of utility providers.</p>	Y

5 Environmental management

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>5.2 Energy efficiency and conservation</u></p> <p>5.2.2 Development Controls</p> <p>a) Improve the control of mechanical space heating and cooling by:</p> <p>i) Designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.</p>	<p>The cost of the proposal is approximately \$8 million and an Energy Efficiency Report has been provided.</p>	Y

<p>b) Improve the efficiency of hot water systems by:</p> <p>i) Insulating hot water systems, and</p> <p>ii) Installing water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators.</p> <p>c) Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular 'off peak' time, not the whole building.</p>		
<p>For all commercial development over \$5 million:</p> <p>Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development with a construction cost of \$5 million or more that demonstrates a commitment to achieve no less than a 4 star rating under the Australian Building Greenhouse Rating Scheme.</p>		
<p><u>5.3 Water conservation</u></p> <ul style="list-style-type: none"> Water fixtures (shower heads, taps, toilets, urinals etc) are to be 3 stars or better rated Stormwater runoff control, capture and reuse, including water quality management in accordance with Council's guidelines 	<p>A condition is proposed to be attached to the consent in relation to fixtures.</p>	<p>Y</p>
<p><u>5.4 Reflectivity</u></p> <p>a) To restrict the reflection of sunlight from buildings to surrounding areas and buildings.</p>	<p>A satisfactory reflectivity report has been submitted.</p>	<p>Y</p>
<p><u>5.5 Wind mitigation</u></p> <p>A Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height</p>	<p>The building is only 18m at its highest.</p> <p>No significant adverse wind effects are expected from the proposal.</p>	<p>Y</p>
<p><u>5.6 Waste and recycling</u></p> <p>Development applications for all non-residential development must be accompanied by a waste management plan</p>	<p>A Waste Minimisation and Management Plan have been provided.</p>	<p>Y</p>

6 Residential development standards

Not applicable.

7 Planning controls for special areas

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.1 Special areas with heritage items</u>		
Objectives	The proposal is considered satisfactory with regards to the nearby heritage buildings.	Y
a) To facilitate the conservation and protection of heritage items and Heritage Conservation Areas and their settings.		
b) To reinforce the special attributes and qualities of heritage items by ensuring that development has regard to the fabric and prevailing character of the item or special area e.g., scale, proportions, materials and finishes.		
c) To conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.		
<u>7.2 Special areas and Development Standards</u>		
<u>7.2.6 Area 6: Keira Street</u>		Y
Maximum building height must not exceed 24 metres.	The building reaches 18m at its highest point.	
Finished floor level of ground to be no greater than 500m above the footpath level at any point on the street façade.	Complies	Y
External materials are to be rendered brickwork painted with at least two colours, face brickwork or tiles. If face brickwork is used it is to match the colour of the bricks used at the Illawarra Hotel or upper floors of 135-145 Keira Street. The principal colour of any paintwork is to be in the heritage colour palette of brown or cream.	A satisfactory mixture of external materials is provided.	Y
<u>7.3 Non-residential development in the enterprise corridor zone</u>		N/A
<u>7.4 Special area design guidelines</u>		N/A
<u>7.5 Design excellence</u>		N/A

8 Works in the public domain

<i>Development controls/ objectives</i>	<i>Comment</i>	<i>Compliance</i>
Any development requiring works to be carried out within the public domain in the Wollongong City Centre will be subject to compliance with the requirements of the Wollongong City Centre Public Domain Technical Manual at Appendix 2 to this DCP and any other specific Council requirements.	A satisfactory referral has been provided by Council's Landscape Officer with regards to works in the public domain.	Y

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

- Level access to the ground floor is provided from Keira Street.
- Lift access is provided to all floors.
- Compliant disabled access car parking spaces are provided within the basement car park.
- Disabled access amenities are provided within the development.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Council's SCAT Officer has reviewed the application with regards to CPTED principles and has given a satisfactory referral.

The development is considered to satisfy the principles of natural surveillance, access control and ownership and the specific controls within this chapter as detailed below.

5.1 Lighting

Under awning lighting is provided

5.2 Natural surveillance and sightlines

The proposal provides clear glazing to the street frontages to allow natural surveillance of the public domain. The design does not obscure sightlines.

5.3 Signage

The proposal does not include signage however it is envisaged that appropriate signage will be incorporated at the occupation stage for tenants.

5.4 Building design

The main entrance to the building is clearly defined and located at the front of the site in view of the street. Blank walls fronting the street are avoided and windows overlook public areas. The design does not result in entrapment spaces.

5.5 Land use mix

The land use mix is considered appropriate for the locality.

5.6 Landscaping

None proposed nor required.

5.7 Spaces safe from entrapment

The development does not result in significant areas of potential entrapment.

5.8 Management and maintenance

The proposal is considered satisfactory with regards to management and maintenance.

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

The car parking rates required of the development pursuant to this chapter and the rates provided are outlined at below.

Overall = 5259m²

Ground floor = 1308m²

	<i>Rate</i>	<i>Required</i>	<i>Provided</i>
Business/ Office premises			
Car	1 / 30m ² GFA for ground floor	<i>Ground</i>	87 (2 disabled)
	1 / 50m ² GFA for upper floor levels	1308/30 = 43.6	
		<i>First and above</i>	
		3951/50 = 79.02	
		Total = 122.62	
Bicycle	1 / 200m ² GFA (staff)	Staff = 5259/200 = 26.3	35
	1 / 750m ² GFA (visitors)	Visitor = 5259/750 = 7	
Motorbike	1 / 25 car parking spaces	122.62/25 = 4.9 (5)	5
Retail premises			
Car	1 car parking space per 30m ² of GFA for ground floor	<i>Ground</i>	87 (2 disabled)
		1308/30 = 43.6	
	1 car parking space per 50m ² of GFA for upper floor level	<i>First and above</i>	
		3951/50 = 79.02	
		Total = 122.62	
Bicycle	1 bicycle space per 200m ² GFA for staff plus 1 bicycle space per 750m ² GFA for visitors	Staff = 5259/200 = 26.3 Visitor = 5259/750 = 7	35
Motorbike	1 motorcycle space per 25 car parking spaces	122.62/25 = 4.9 (5)	5

The proposal does not meet the car parking requirements of WDCP 2009 however a detailed variation statement has been prepared in this regard (see Attachment 5)..

The application seeks a significant reduction to the rates required in WDCP 2009. In recognition that the DCP has only been in force for one year and is currently under review and car parking is one area where changes are proposed, Council's Strategic and Traffic Officers have reviewed the application and advised that the strategic plans for Wollongong City Centre is to reduce overall parking.

The Access and Movement Strategy, adopted as Council Policy in December 2005 aims for a sustainable level of parking in the City Centre. Furthermore, the Inner City Parking Strategy, adopted by Council in March 2009, continued to emphasise the goal of reducing parking demand long term (and therefore reduced parking rates) by the provision of consolidated parking facilities, on street pay parking, improved public transport, pedestrian and bicycle facilities.

The current office premises car parking rate (1 space per 30m² on the ground floor and 1 space per 50m² for above ground floor levels) is inconsistent with these strategic goals. The first part of the review will be reported to Council in the April round and will include recommendations on revised parking rates.

The parking for the proposed development is consistent with Council's strategic vision for the City Centre

CHAPTER E6: LANDSCAPING

Council's Landscape Architect has reviewed the application and recommended appropriate conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

Site Waste Minimisation and Management Plan (SWMMP), outlining measures to minimise and manage waste, was submitted with the application. The location of the designated waste and recycling storage rooms and servicing arrangements is identified on the plans.

CHAPTER E9 HOARDINGS AND CRANES

Conditions are proposed to be attached to the consent in regards to use of hoardings and cranes.

CHAPTER E11 HERITAGE CONSERVATION

Council's Heritage Officer has reviewed the application and has not raised any objections. The proposal is otherwise not expected to have any adverse impacts on the heritage items in the locality.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is categorised as flood affected and Council's Stormwater Engineer has reviewed the application in this regard and recommended appropriate conditions of consent.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Engineer has reviewed the application with regards to stormwater matters and recommended appropriate conditions of consent.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavation for the basement car park. Council's Geotechnical Engineer has reviewed the application in this regard and recommended appropriate conditions of consent. There are not expected to be any adverse impacts in this regard.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

Conditions of consent are recommended in regards to the demolition of the existing buildings.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in regards to sediment and erosion control.

2.4.2. WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2010)

The estimated cost of works is \$8,000,000 and a section 94A levy is therefore applicable as the threshold figure is \$100,000. A contribution fee of \$80,920 is applicable.

2.5 SECTION 79C 1(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

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

2.6 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

(1) *For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:*

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

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

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

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

The application involves demolition and as such the provisions of AS 2601-1991: The Demolition of Structures applies. A condition will be attached to the consent in this regard.

The site is located on land to which the Government Coastal Policy applies however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

2.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The proposal is considered appropriate with regards to the zoning and surrounding development and satisfies the relevant planning controls.

Access, Transport and Traffic:

The proposal is satisfactory with regards to traffic matters.

Public Domain:

The proposal is considered to improve the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

The proposal is not expected to have any adverse impacts on the heritage items in the locality.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The proposal involves excavation for the basement car park. The proposal is considered satisfactory in this regard and appropriate conditions are to be attached to the consent.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

There is no vegetation removal or landscaping proposed or required.

Waste:

A condition is proposed to be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Satisfactory waste servicing arrangements are provided for the proposal.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

An Energy Efficiency Report has been provided.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

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

Economic Impact:

The proposal is not expected to have a positive economic impact through employment generation during construction and provision of additional commercial space in the city centre.

Site Design and Internal Design:

The application does not result in any significant departures from development standards or Council's development control plans as outlined above.

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

Construction:

A condition is proposed to be attached to any consent granted that Work Cover 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.

2.8 SECTION 79C 1(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 any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.9 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising and did not receive any submissions.

Submissions from public authorities

The RTA has reviewed the application with regards to clause 104 of SEPP Infrastructure for traffic generating development. No objections have been raised in this regard. The Director General of the Department of Planning has provided the necessary concurrence under clause 4.6 of WLEP2009.

2.10 SECTION 79C 1(E) THE PUBLIC INTEREST

The application is not expected to have any negative 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 is therefore considered to be in the public interest.

2.11 CONCLUSION

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and is considered to have merit.

The proposed development has regard to WLEP 2009 including the objectives of the B3 Commercial Core zone and is permissible in the zone with Council consent. The proposal also generally complies with and all relevant Council DCPs, Codes and Policies and is considered satisfactory with regard to relevant matters such as, traffic and parking.

Appropriate conditions will be imposed in the manner outlined at attachment 7.

3. RECOMMENDATION

It is recommended that conditional approval be granted to DA-2010/1503 subject to the draft conditions contained in Attachment 7.

ATTACHMENTS

1. Aerial photograph
2. WLEP 2009 zoning map
3. Plans
4. Clause 4.6 variation statement
5. Car parking variation statement
6. Department of Planning Concurrence
7. RTA response
7. Conditions of consent