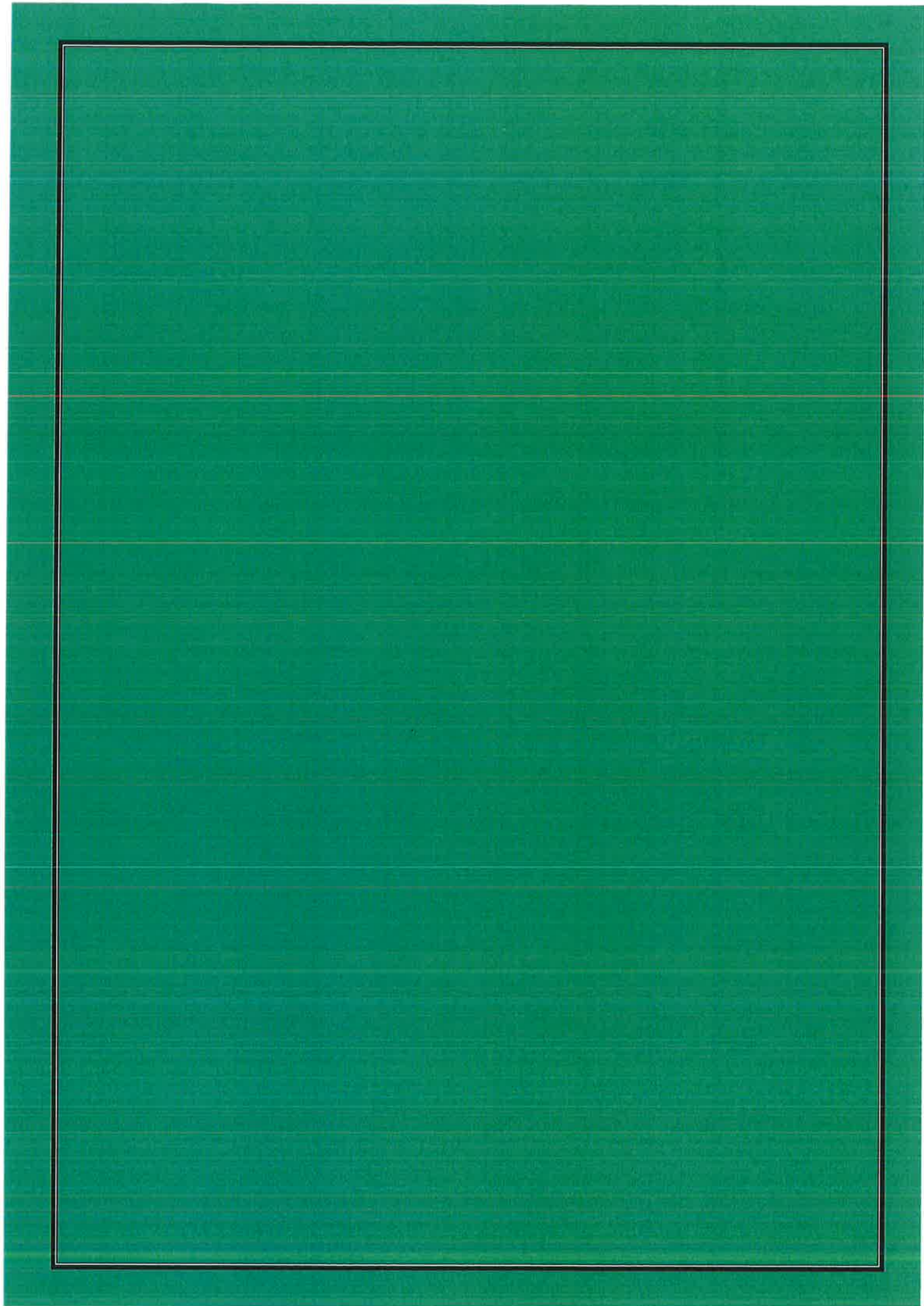


# **ATTACHMENT 1**





**ATTACHMENT 1: Aerial Photograph**

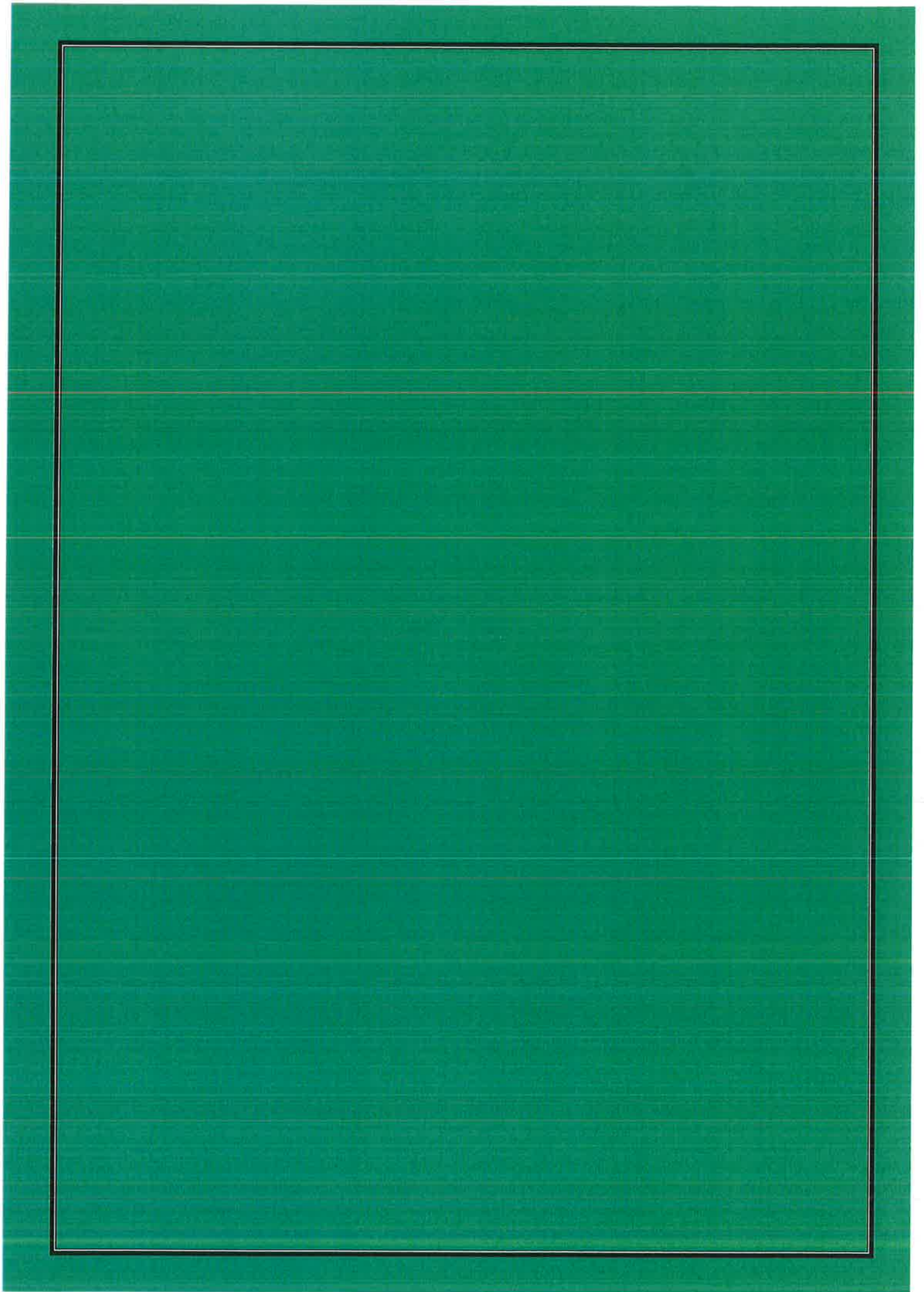
DA-2014/956





# **ATTACHMENT 2**





**ATTACHMENT 2: WLEP 2009 Zoning Map (B4 Mixed Use zone)**

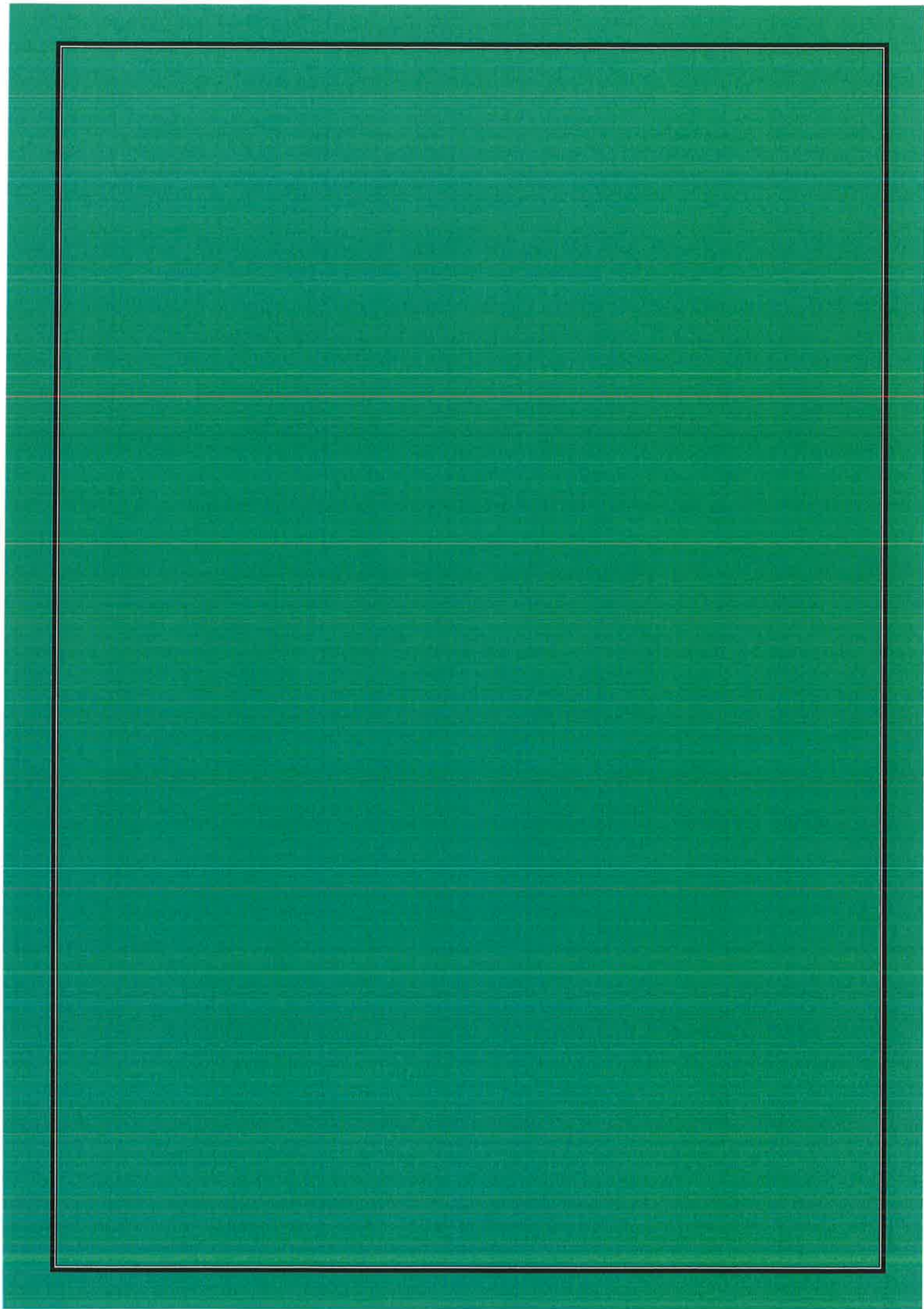
DA-2014/956







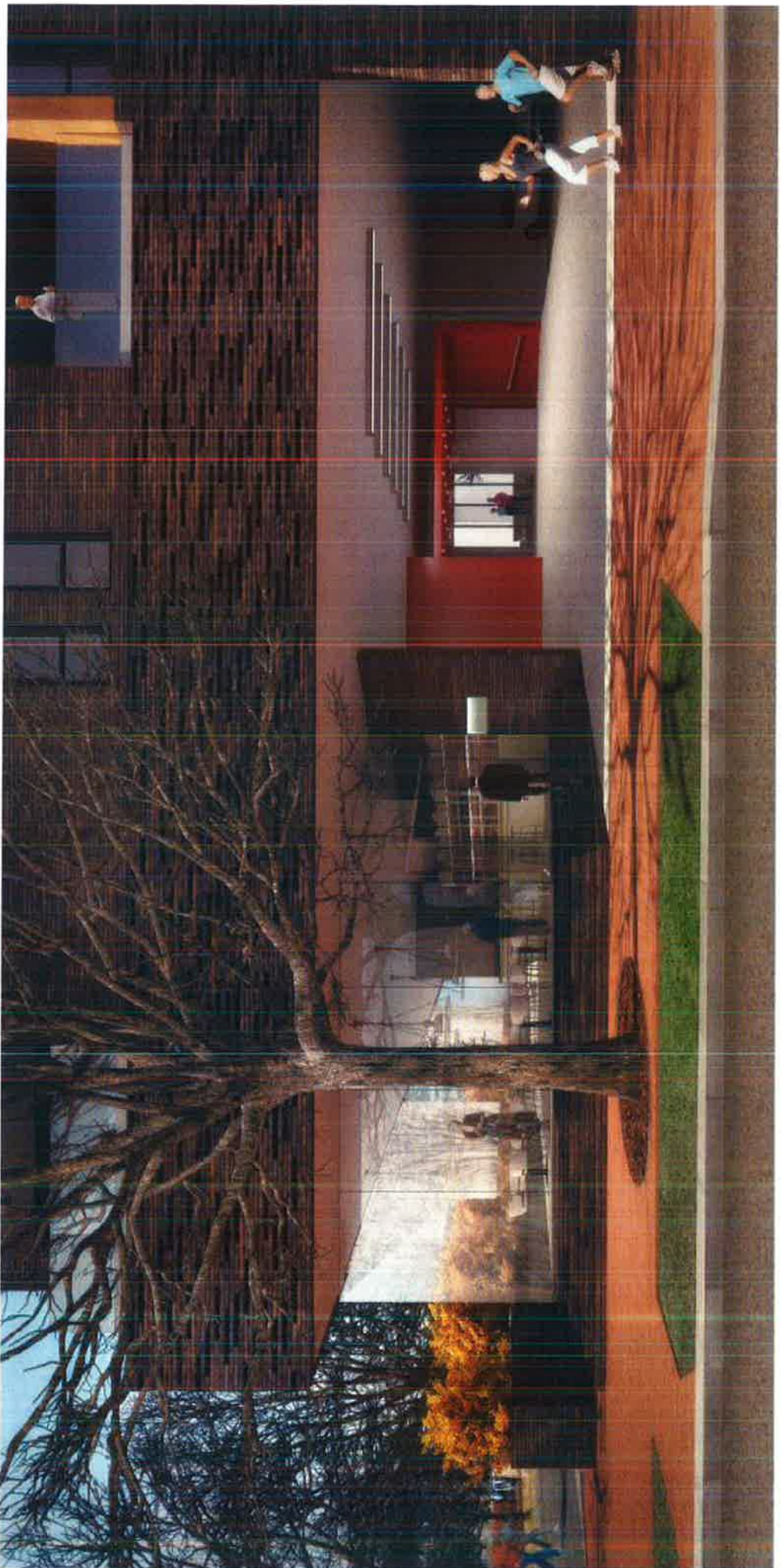
# **ATTACHMENT 3**











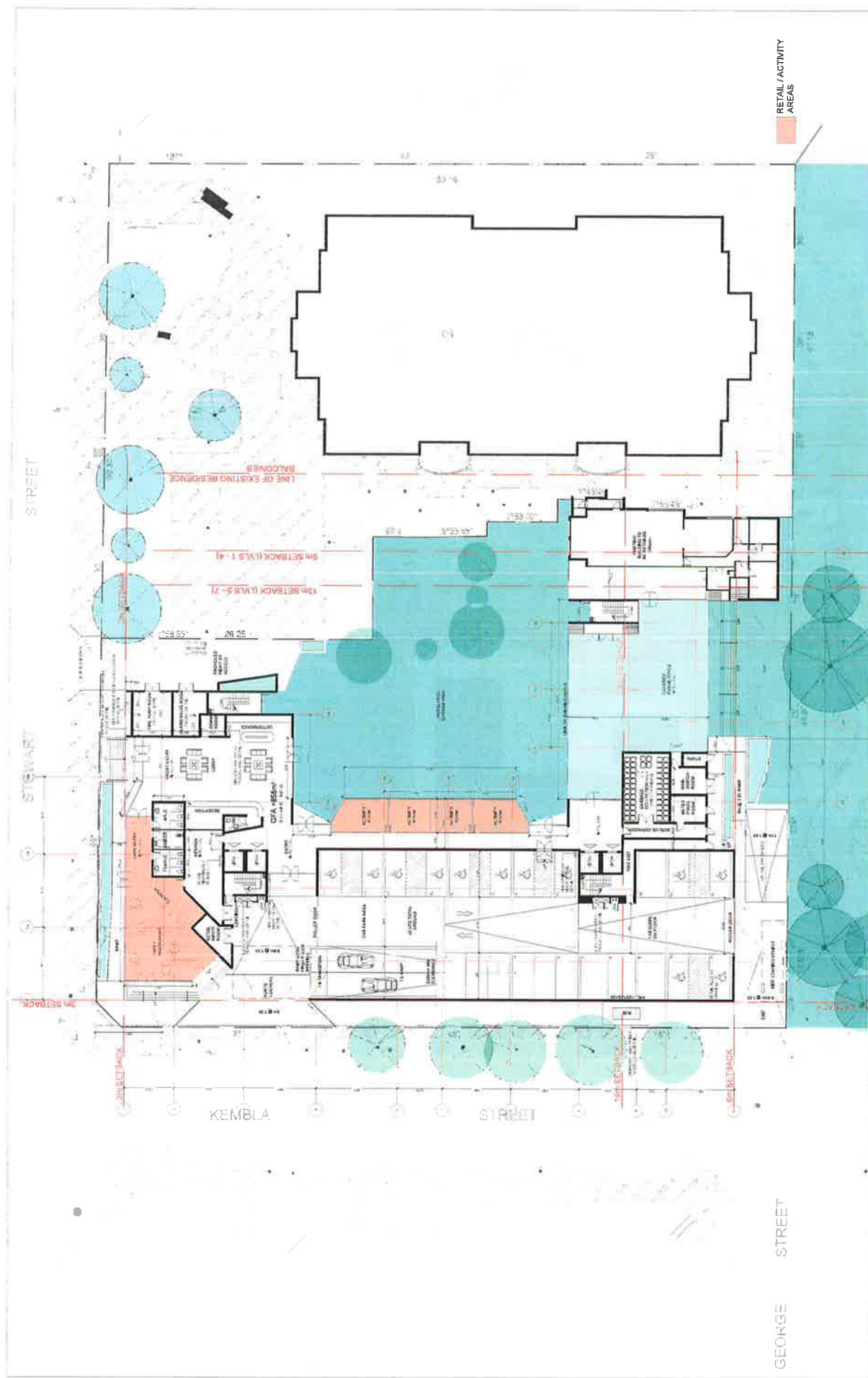












<b>IMPORTANT NOTES</b> Recommendations for inclusion or exclusion of items should be made in consultation with the client. All recommendations are based on the information provided. The client is responsible for ensuring that all recommendations are implemented. The client is responsible for ensuring that all recommendations are implemented. The client is responsible for ensuring that all recommendations are implemented.	<b>PRELIMINARY</b> NOT FOR CONSTRUCTION	<b>Energy Rating</b> <input type="checkbox"/> 1.0 <input type="checkbox"/> 1.5 <input type="checkbox"/> 2.0 <input type="checkbox"/> 2.5 <input type="checkbox"/> 3.0 <input type="checkbox"/> 3.5 <input type="checkbox"/> 4.0 <input type="checkbox"/> 4.5 <input type="checkbox"/> 5.0 <input type="checkbox"/> 5.5 <input type="checkbox"/> 6.0 <input type="checkbox"/> 6.5 <input type="checkbox"/> 7.0 <input type="checkbox"/> 7.5 <input type="checkbox"/> 8.0 <input type="checkbox"/> 8.5 <input type="checkbox"/> 9.0 <input type="checkbox"/> 9.5 <input type="checkbox"/> 10.0	<b>Client</b> IRT	<b>Project</b> SENIOR LIVING BUILDING 27A STEWART STREET WOLLONGONG	<b>Drawing Title</b> GROUND FLOOR PLAN	<b>Revision</b>	
						<b>Date</b>	<b>By</b>
						<b>Check</b>	<b>Drawn</b>







**IMPORTANT NOTES**

1. This drawing is a preliminary design and is not to be used for construction without the approval of the architect.

2. The architect is not responsible for the accuracy of the information provided in this drawing.

3. The architect is not responsible for the accuracy of the information provided in this drawing.

**PRELIMINARY**

NOT FOR CONSTRUCTION

**Energy Rating**

Energy Rating: 4.5

Energy Rating: 4.5

Energy Rating: 4.5

**Marchespartners**

Marchespartners Pty Ltd

Level 1, 23 Walker Street, North Sydney, NSW 2060 Australia

Ph: 02 9550 4378 F: 02 9550 4376 E: info@marchespartners.com.au

Sydney, Brisbane, Melbourne, Canberra, San Francisco, Guangzhou

ACN 098 502 151 ABN 20 098 502 151

**CLIENT**

IRT

**PROJECT**

SENIOR LIVING BUILDING

27A STEWART STREET

WOLLONGONG

**CHANGING TITLE**

LEVELS 2 / 4 PLAN

**SCALE**

1:200 @ A1

1:400 @ A3

1:800 @ A4

**DATE**

06/03/14

**DESIGNER**

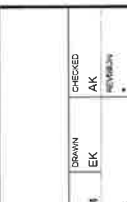
EK

**CHECKED**

DA 1.05

**REVISION**

XXXX









**IMPORTANT NOTES**

1. This drawing is the property of Marchese Partners and is not to be used for any other purpose without the written consent of Marchese Partners.

2. This drawing is a preliminary design and is not to be used for construction without the written consent of Marchese Partners.

3. This drawing is a preliminary design and is not to be used for construction without the written consent of Marchese Partners.

**PRELIMINARY**

NOT FOR CONSTRUCTION

**Energy Rating**

Current Rating: 1.0/2.0/3.0/4.0/5.0/6.0/7.0/8.0/9.0/10.0

Target Rating: 1.0/2.0/3.0/4.0/5.0/6.0/7.0/8.0/9.0/10.0

Energy Rating: 1.0/2.0/3.0/4.0/5.0/6.0/7.0/8.0/9.0/10.0

**Marchese Partners**

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Level 1, 55 Walker Street, North Sydney NSW 2060 Australia  
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Fax: +61 (0)2 9550 5501  
www.marchesepartners.com.au  
Sydney · Brisbane · Melbourne · Canberra · San Francisco · Guangzhou  
ACN 085 552 151 ABN 20 085 552 151

**CLIENT**

IRT

**DRAWING TITLE**

LEVEL 6 PLAN

SCALE	DATE	DRAWN	CHECKED
1:400	05/08/14	EX	AK
DATE	DATE	DATE	DATE
05/08/14	05/08/14	05/08/14	05/08/14
DA 1.08	DA 1.08	DA 1.08	DA 1.08



**IMPORTANT NOTES**

1. This drawing is a preliminary design and is not to be used for construction without the approval of the architect.

2. All dimensions are to the centerline unless otherwise stated.

3. The client is responsible for obtaining all necessary permits and approvals.

4. The architect is not responsible for any errors or omissions in this drawing.

5. This drawing is the property of the architect and is not to be reproduced without written permission.

**PRELIMINARY**

NOT FOR CONSTRUCTION

**Energy Rating**

Star Rating: 3.5

Energy Use Intensity (EUI): 15.5

Greenhouse Gas Intensity (GGI): 1.5

Water Use Intensity (WUI): 1.5

Indoor Air Quality (IAQ): 1.5

Acoustic Performance (AP): 1.5

Thermal Performance (TP): 1.5

Lighting Performance (LP): 1.5

Material Performance (MP): 1.5

Construction Performance (CP): 1.5

Occupant Performance (OP): 1.5

Overall Performance (OP): 1.5

**marchesepartners**

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www.marchesepartners.com.au  
Sydney • Brisbane • Melbourne • Canberra • San Francisco • Guangzhou  
ACN 055 226 151 ABN 70 055 226 151

**CLIENT**

IRT

**DRAWING TITLE**

LEVEL 7 PLAN

PROJECT	DATE	DRAWN	CHECKED
SENIOR LIVING BUILDING 27A STEWART STREET WOLLONGONG	05/08/14	EK	AK
SCALE	DATE	DATE	DATE
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DATE	DATE	DATE	DATE
05/08/14	05/08/14	05/08/14	05/08/14
DATE	DATE	DATE	DATE
05/08/14	05/08/14	05/08/14	05/08/14



PRELIMINARY  
NOT FOR CONSTRUCTION

**Energy Rating**

☐ **Not tested**

☒ **Tested**

Insufficient development/production of air purifying agent, or insufficient air purifying agent

2) **Quantitative evaluation** ☐ **Rating with** ☒ **Not tested**

Accelerator Number: **14000211**      Serial Number: **5.0**      Date: **1.1.1**

Product Name: **Energy Rating**      Version: **1.0.0**      Date: **1.1.1**

Product Number: **14000211**      Serial Number: **5.0**      Date: **1.1.1**

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[www.marchesepartners.com.au](http://www.marchesepartners.com.au)  
Sydney • Brisbane • Melbourne • Canberra • San Francisco • G  
ACN 098 552 151 ABN 20 098 552 151

CLIENT

CLIENT  
IRT  
-  
-

PROJECT  
SENIOR LIVING BUILDING  
27A STEWART STREET  
WOLLONGONG

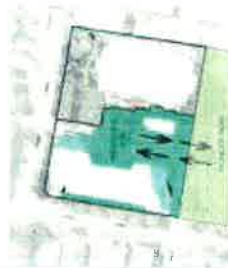
SECTION

SCALE  
1 200 @ A1  
1 400 @ A3  
XXXXX









**IMPORTANT NOTES:**

PRELIMINARY  
NOT FOR CONSTRUCTION

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1

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Level 1, 53 Walker Street, North Sydney NSW 2060 Australia  
P +61 2 9922 4375 F +61 2 9929 5766 E [enquiries@marineco.com.au](mailto:enquiries@marineco.com.au)  
[www.marinecopartners.com.au](http://www.marinecopartners.com.au)  
Sydney Brisbane Melbourne Canberra San Francisco Guangzhou  
ACN 098 552 151 ABN 20 098 552 151

CURVED

CURVED

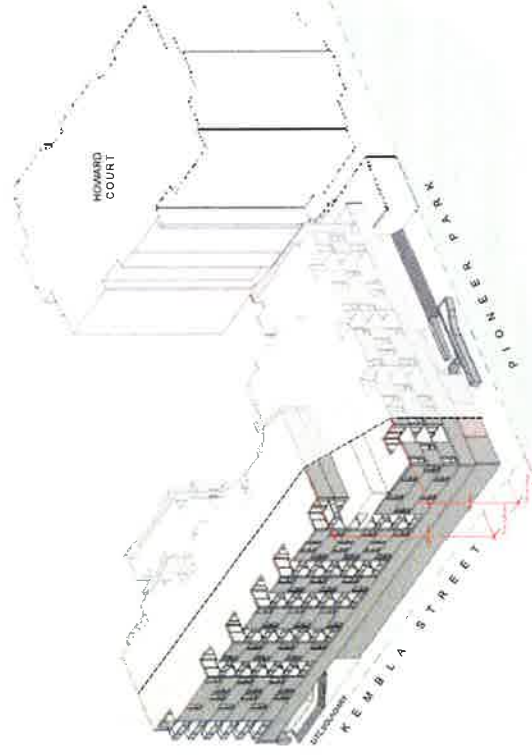
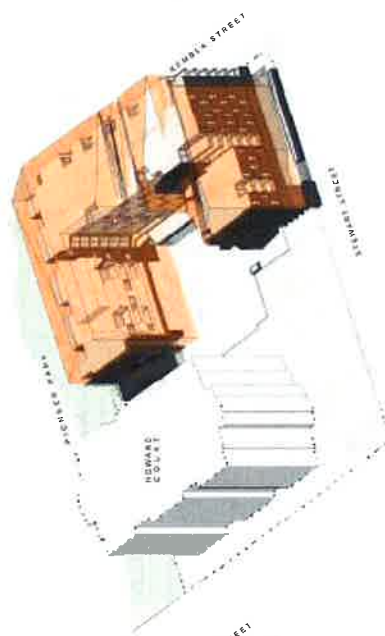
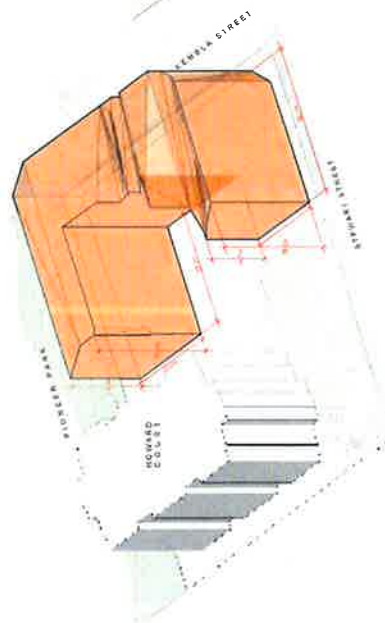
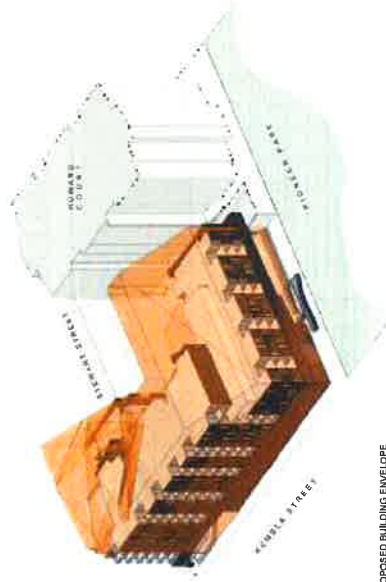
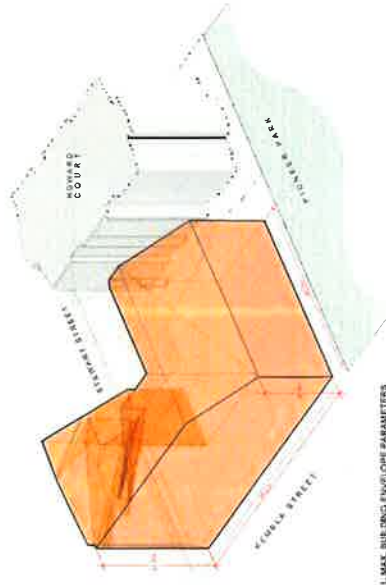
CLIENT IRT  
PROJECT SENIOR LIVING BUILDING  
27A STEWART STREET  
WOLLONGONG

Copyright © 2011

### CONCEPTUAL DIAGRAMS

SCALE	DATE	DRAWN	CHECKED
N/A	13/03/14	AK	AK
JOB	DRAWING	REVISION	
XXXXX	DA 5 01	.	





### 3. MAX. BUILDING ENVELOPE PARAMETERS

**KEY**

MAXIMUM BUILDING ENVELOP TO ALLOW FOR  
MINIMUM 3HRS DAYLIGHT TO HOWARD COURT

[illegible]

at	with (verb)	Time	with (verb)

姓名	性别	年龄	职业	住址	联系电话
张三	男	35	教师	北京市朝阳区	13901234567
李四	女	28	医生	北京市海淀区	13801234567
王五	男	42	工程师	上海市浦东新区	13701234567
赵六	女	31	公务员	广东省广州市	13601234567
孙七	男	25	学生	浙江省杭州市	13501234567
周八	女	38	自由职业者	四川省成都市	13401234567
吴九	男	45	企业家	江苏省南京市	13301234567
郑十	女	33	设计师	福建省厦门市	13201234567
陈十一	男	29	程序员	山东省济南市	13101234567
林十二	女	36	销售经理	河南省郑州市	13001234567
张十三	男	41	律师	湖北省武汉市	12901234567
李十四	女	27	记者	湖南省长沙市	12801234567
王十五	男	34	会计师	安徽省合肥市	12701234567
赵十六	女	32	产品经理	江西省南昌市	12601234567
孙十七	男	26	数据分析师	河北省石家庄市	12501234567
周十八	女	39	人力资源	山西省太原市	12401234567
吴十九	男	43	市场总监	辽宁省沈阳市	12301234567
郑二十	女	30	运营专员	吉林省长春市	12201234567
陈二十一	男	37	项目经理	黑龙江省哈尔滨市	12101234567
林二十二	女	24	实习生	内蒙古自治区呼和浩特市	12001234567
张二十三	男	40	财务总监	广西壮族自治区南宁市	11901234567
李二十四	女	35	行政助理	贵州省贵阳市	11801234567
王二十五	男	28	销售代表	云南省昆明市	11701234567
赵二十六	女	33	培训师	陕西省西安市	11601234567
孙二十七	男	29	产品经理	甘肃省兰州市	11501234567
周二十八	女	36	市场专员	青海省西宁市	11401234567
吴二十九	男	42	运营经理	宁夏回族自治区银川市	11301234567
郑三十	女	31	数据专员	新疆维吾尔自治区乌鲁木齐市	11201234567
陈三十一	男	27	销售助理	西藏自治区拉萨市	11101234567
林三十二	女	34	行政主管	四川省成都市	11001234567
张三十三	男	41	财务总监	贵州省贵阳市	10901234567
李三十四	女	38	运营总监	云南省昆明市	10801234567
王三十五	男	25	实习生	陕西省西安市	10701234567
赵三十六	女	32	产品经理	甘肃省兰州市	10601234567
孙三十七	男	29	销售专员	青海省西宁市	10501234567
周三十八	女	36	市场经理	宁夏回族自治区银川市	10401234567
吴三十九	男	43	运营总监	新疆维吾尔自治区乌鲁木齐市	10301234567
郑四十	女	30	数据专员	西藏自治区拉萨市	10201234567
陈四十一	男	27	销售助理	四川省成都市	10101234567
林四十二	女	34	行政主管	贵州省贵阳市	10001234567
张四十三	男	41	财务总监	云南省昆明市	09901234567
李四十四	女	38	运营总监	陕西省西安市	09801234567
王四十五	男	25	实习生	甘肃省兰州市	09701234567
赵四十六	女	32	产品经理	青海省西宁市	09601234567
孙四十七	男	29	销售专员	宁夏回族自治区银川市	09501234567
周四十八	女	36	市场经理	新疆维吾尔自治区乌鲁木齐市	09401234567
吴四十九	男	43	运营总监	西藏自治区拉萨市	09301234567
郑五十	女	30	数据专员	四川省成都市	09201234567
陈五十一	男	27	销售助理	贵州省贵阳市	09101234567
林五十二	女	34	行政主管	云南省昆明市	09001234567
张五十三	男	41	财务总监	陕西省西安市	08901234567
李五十四	女	38	运营总监	甘肃省兰州市	08801234567
王五十五	男	25	实习生	青海省西宁市	08701234567
赵五十六	女	32	产品经理	宁夏回族自治区银川市	08601234567
孙五十七	男	29	销售专员	新疆维吾尔自治区乌鲁木齐市	08501234567
周五十八	女	36	市场经理	西藏自治区拉萨市	08401234567
吴五十九	男	43	运营总监	四川省成都市	08301234567
郑六十	女	30	数据专员	贵州省贵阳市	08201234567
陈六十一	男	27	销售助理	云南省昆明市	08101234567
林六十二	女	34	行政主管	陕西省西安市	08001234567
张六十三	男	41	财务总监	甘肃省兰州市	07901234567
李六十四	女	38	运营总监	青海省西宁市	07801234567
王六十五	男	25	实习生	宁夏回族自治区银川市	07701234567
赵六十六	女	32	产品经理	新疆维吾尔自治区乌鲁木齐市	0

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id	name	type
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PROJ. NAME	DATE	SCALE	APP.	CUSTOMER	DRAWING TITLE

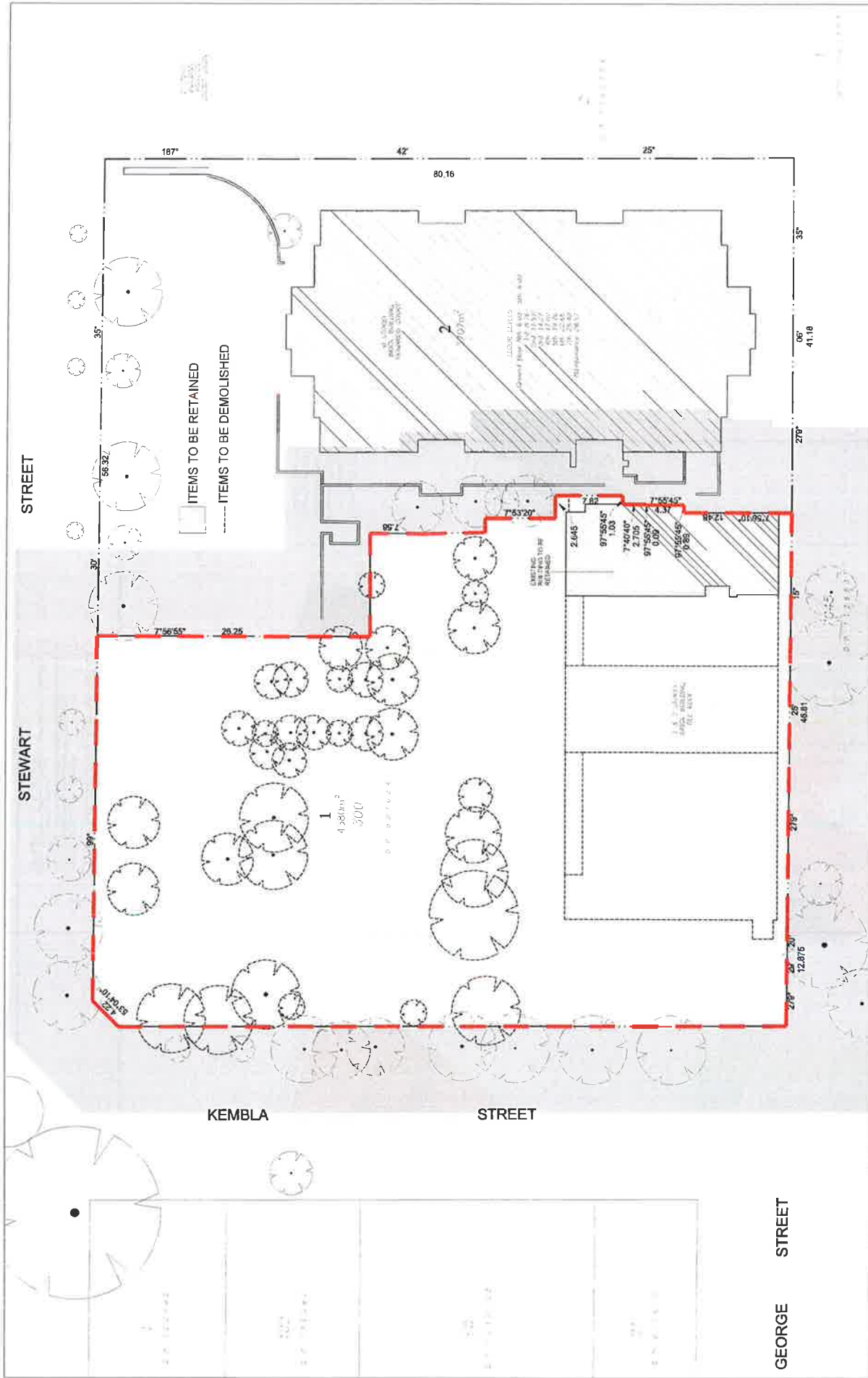
**marchesepartners**

Marches Partners International Pty Ltd  
Level 1, 151 Market Street, Sydney NSW 2000 Australia  
Phone: 2 9822 4375 Fax: 2 9823 5765 E [info@marchespartners.com.au](mailto:info@marchespartners.com.au)  
[www.marchespartners.com.au](http://www.marchespartners.com.au)  
Sydney Brisbane Melbourne Canberra San Francisco Guangzhou  
ACN 098 552 151 ABN 20 098 552 151

CLIENT	IRT
PROJECT	SENIC 27A S WOLL

DRAMA	BU	SCALING	XX
		NTS	XX
			XX

DATE	TRAIN	CHECKED
17/03/14	BW	AK
TRAINING		
DA 6 00		*



<b>IMPORTANT NOTE</b> This drawing is a preliminary design and is not to be used for construction. It is for information only and is subject to change without notice. The client is responsible for ensuring that the design is suitable for the intended use and that all necessary approvals are obtained before construction.	<b>PRELIMINARY</b> NOT FOR CONSTRUCTION		<b>CLIENT</b> IRT	<b>PROJECT</b> SENIOR LIVING BUILDING 27A STEWART STREET WOLLONGONG	<b>DRAWING TITLE</b> DEMOLITION PLAN			
					<b>SCALE</b> 1:200	<b>DATE</b> 11/08/14	<b>DRAWN</b> EK	<b>CHECKED</b> AK

1. EXTERNAL WALLS -  
LARGE FORMAT BRICK,  
ROMAN PROPORTION



2. PLANTERS CONTRAST  
BETWEEN ROUGH &  
SMOOTH MATERIALS

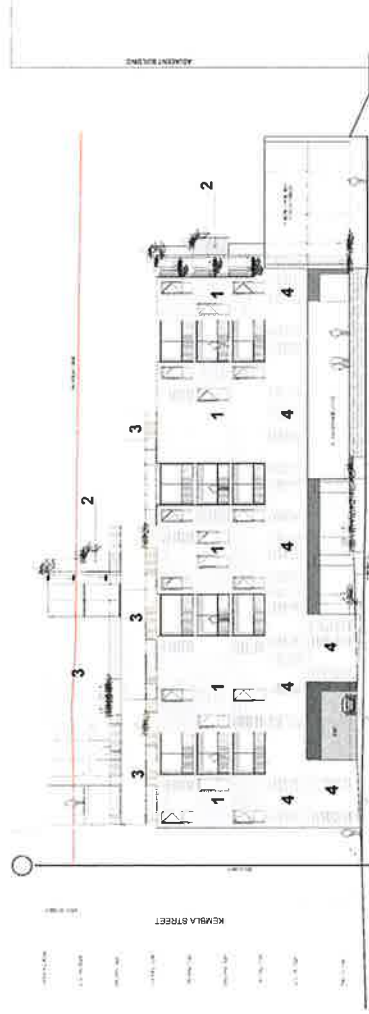


3. INTERNAL SPACE -  
LIGHT COLOUR  
COMPOSITE PANEL AS  
FACADE CLADDING

4. CARPARK ENVELOPE -  
NATURALLY VENTILATED  
WALL AS PART OF AN  
ARCHITECTURAL SCREEN



01 WEST ELEVATION  
Scale: 1:200 @ A1



01 SOUTH ELEVATION  
Scale: 1:200 @ A1

IMPORTANT NOTES  
This drawing is for information only and is not to be used for construction. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary approvals are obtained. The client is advised that this drawing is preliminary and subject to change without notice.

PRELIMINARY  
NOT FOR CONSTRUCTION

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[www.marchesepartners.com.au](http://www.marchesepartners.com.au)  
Marchese Partners International Pty Ltd  
ACN 086 552 151 ABN 20 086 552 151

CLIENT  
IRT

SENIOR LIVING BUILDING  
27A STEWART STREET  
WOLLONGONG

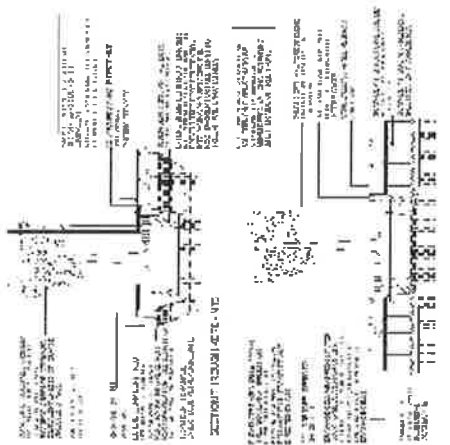
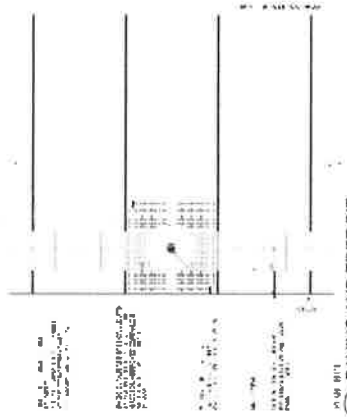
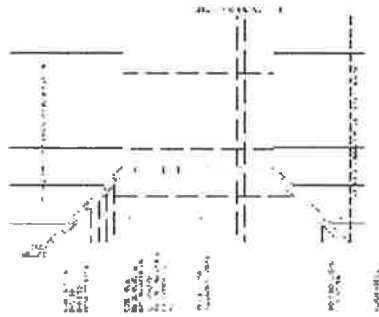
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FINISHES SCHEDULE

NO.	DESCRIPTION	DATE	BY	CHECKED
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4	200 @ A3	05/05/14	EK	AK









**NOTE:**  
FOR ADDITIONAL DETAILS ON PUBLIC DOMAIN DETAILS  
REFER TO WOLLONGONG CITY COUNCIL - CITY CENTRE  
PUBLIC DOMAIN TECHNICAL MANUAL







# **ATTACHMENT 4**





## **ATTACHMENT 4: Draft Conditions of Consent**

DA-2014/956

### **General Matters**

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

- Cover Page 00.00 dated 8/8/14 prepared by Marchese Partners
- Ground Floor Plan DA 1.03 dated 5/8/14 prepared by Marchese Partners
- First Floor Plan DA 1.04 dated 5/8/14 prepared by Marchese Partners
- Levels 2/4 Plan DA 1.05 dated 5/8/14 prepared by Marchese Partners
- Level 3 Plan DA 1.06 dated 5/8/14 prepared by Marchese Partners
- Level 5 Plan DA 1.07 dated 5/8/14 prepared by Marchese Partners
- Level 6 Plan DA 1.08 dated 5/8/14 prepared by Marchese Partners
- Level 7 Plan DA 1.09 dated 5/8/14 prepared by Marchese Partners
- Sections DA 2.01 dated 13/3/14 prepared by Marchese Partners
- Elevations DA 3.01 dated 13/3/14 prepared by Marchese Partners
- Demolition Plan DA 8.01 dated 11/6/14 prepared by Marchese Partners
- Finishes Schedule DA 9.01 dated 8/8/14 prepared by Marchese Partners
- Tree Retention and Removal Plan LA00 G dated 14/1/15 prepared by Taylor Brammer Landscape Architects
- Landscape Plan Ground Floor Plan LA01 G dated 21/1/15 prepared by Taylor Brammer Landscape Architects
- Landscape Plan First and Fifth Floors LA02 B dated 6/6/14 prepared by Taylor Brammer Landscape Architects
- Landscape Details LC03 A dated 10/4/14 prepared by Taylor Brammer Landscape Architects
- Public Domain Details LC04 A dated 15/1/15 prepared by Taylor Brammer Landscape Architects

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

- 2) **Building Work - Compliance with the Building Code of Australia**

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

- 3) **Construction Certificate**

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

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

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

4) **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.

5) **Geotechnical**

All work is to be in accordance with the geotechnical recommendations contained in the report dated 16 December 2013 by Douglas Partners and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

Foundation systems are to be founded within the underlying high strength sandstone bedrock as recommended by the geotechnical consultant.

6 **Street tree removal**

The developer shall remove existing street trees indicated on Tree Retention and Removal Plan by Taylor Brammer Landscape Architect, Issue G, dated 14.01.2015. This consent permits the removal of street trees numbered T35 – T43 and T12 – T16 to accommodate changes the footpath levels.

Tree removal costs are to be borne by 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 to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

7 **Restricted Vegetation Removal**

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

8 **Eligible residents**

Only those people referred to in State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004 may occupy any accommodation in the development. The permitted occupants are:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

**Prior to the Issue of the Construction Certificate**

9 Acid Sulfate Soils Management Strategy



An Acid Sulfate Soils Management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a NATA registered laboratory.

10) Present Plans to Sydney Water

Approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

11) Energy Provider Requirements

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

12) Telecommunications

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

13) Detailed Drainage Design

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the concept drainage plan by GHD, Drawing No. 21-23123-C100, revision B dated 18/12/2014.

14) On-Site Detention Modifications – Design Criteria

Each on-site stormwater detention facility shall incorporate a suitably sized square lockable grate for access and maintenance purposes, provision for safety, a debris control screen, and a suitably graded invert to the outlet to prevent ponding. Also, details of each orifice plate including diameter of orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.

15) On-Site Detention – Identification

The construction certificate plans are to detail a corrosion resistant identification plaque for location on or close to each on-site stormwater detention (OSD) facility. Each plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
- Identification number – DA-2014/956.
- Any specialist maintenance requirements.

16) On-Site Detention – Orifice and Weir Calculations

Orifice and weir calculations for each on-site detention facility shall be provided on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

17) Existing/Proposed Levels

Existing and proposed levels to Australian Height Datum (AHD), including floor, ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

18) Sizing of Drainage

All stormwater drainage (incl. gutters, sumps, pits, grates, pipes, etc.) conveying runoff from the proposed roof areas and other impervious surfaces to the on-site stormwater detention (OSD) system shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 (2003) – Plumbing and Drainage (Stormwater Drainage). This requirement shall be reflected on the Construction Certificate plans.

19) Structural Soundness Design Criteria

The proposed building shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being RL 5.95 metres AHD. This requirement shall be reflected on the Construction Certificate plans and supporting documentation prior to the issue of the Construction Certificate.

20) Carpark Waterproofing

Engineering details of the proposed carpark driveway and perimeter wall shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. This shall include construction details indicating that no ingress of stormwater is possible into the car park. This applies to any proposed opening such as doors or ventilation louvres. All vehicular access points (i.e. driveway crest), doors, and ventilation points to the basement car park shall be a minimum of 0.2 metres above the adjacent 100 year ARI flood level. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

21) The 4 stacked car parking spaces opposite the exit on the ground floor are to be allocated for café staff only. These spaces are to be clearly line-marked and/or signposted. This requirement must be reflected on the construction certificate plans.

22) Footpath Paving

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

a) Footpath Pavement:

‘Sante Fe, Illiad’ by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed finish, 300 x 300 x 50mm Samples to be approved by WCC Manager Project Delivery prior to construction.

*Sealant :*

Penetrating sealer ‘Spirit Natural Paving Seal’ by

Spirit Marble & Tile Care Pty Ltd (or approved equivalent).

*Structural Design Requirements*

Subbase 100mm DGB 20 compacted to 98% modified density

Base 100mm thick 7MPa mass concrete

Pavement 300 x 300 x 40mm unit paver on 30mm bedding sand

3mm maximum grout filled joints

Jointing                      Abutting kerbs, pits and buildings Abelflex or equivalent

b)      Driveway:

Driveway pavement to be 'Brickpave, Illiad' by Adbri Masonry Pty Ltd (or approved equivalent) dark grey, honed, 230 x 113 x 80mm paving units in a herringbone pattern, contrasting band to be 'Brickpave, Off White' Adbri Masonry Pty Ltd (or approved equivalent) ivory coloured paving unit, honed finish, 230 x 113 x 80mm.

Samples are to be approved by WCC Manager Project Delivery prior to construction.

*Sealant:*

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

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb.

Driveway entry threshold finish from property boundary line to face of kerb: To be designed to withstand predicted traffic loadings.

Driveway threshold finish within property boundary line shall contrast with driveway entry.

Footpath must be installed to the satisfaction of WCC Manager of Works.

A Landscape Plan is to be submitted to Council prior to the issue of the Construction Certificate showing proposed paving and location of all services.

23)      Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development are four *Cupaniopsis anacardioides*, 200 litre along Stewart Street and six *Lophostemon confertus*, 400 litre along Kembbla Street. Tree pit detailing is to be in accordance with the Wollongong City Council Public Domain Technical Manual. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be installed to the satisfaction of WCC Manager of Works.

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

24)      Podium Planting

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

This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

25)      Footpath Levels

The longitudinal grade of the footpath must be parallel to the top of kerb level and site boundary. All building entrance adjustments for level access to building floor levels must be developed within the private property of the building site in accordance with the requirements of the latest versions of AS1428.1, the Building Code of Australia and the Disability Discrimination Act. No



adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted.

A copy of the proposed levels shall be submitted to Council for approval by Council's Design Section prior to the issue of Construction Certificate.

26) Coordination of footpath works

The developer must make satisfactory arrangements with Council with regards to the coordination of the footpath works required by the conditions of this consent with Council's proposed roadworks adjacent to the site. These roadworks involve a raising of the road, kerb and guttering. The developer is to contact the manager of Design and Technical Services to obtain the design levels.

The design levels from council shall be reflected in the Construction Certificate Plans and any supporting documentation.

27) Habitable floor levels must be constructed at a minimum of RL 5.86 metres AHD. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

28) Any portion of the building or structure below RL 5.86 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated Chapter E13 of the Wollongong DCP2009. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

29) 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. The overflow paths shall be designed to ensure no entry of stormwater into any building and no concentration of stormwater onto any adjoining property. Details of each overflow path shall be provided on the detailed drainage design. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

30) Provision shall be made along the boundary of the property at the vehicular crossing/s to prevent waste and surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

31) 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.

32) The developer must modify the existing on-site stormwater detention (OSD) system to cater for stormwater runoff from the development. The OSD modifications and contributing stormwater system shall be designed by a suitably qualified civil engineer to limit post-development discharges from the site to pre-development levels and ensure that minor system stormwater discharges from the site will not exceed the capacity of the receiving stormwater drainage system. Details of each detention facility and SSR/PSD values must be submitted with the Construction Certificate application.

33) Landscaping

The submission of a final Landscape Plan in accordance with the requirements of Wollongong City Council Landscape DCP 2009 Chapter E6 Landscape 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.

34) 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.

- 35) 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.

- 36) 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.

- 37) **Engineering Plans and Specifications - Retaining Wall Structures**

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

- a) A plan of the wall showing location and proximity to property boundaries;
- b) an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c) details of fencing or handrails to be erected on top of the wall;
- d) sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
- e) the proposed method of subsurface and surface drainage, including water disposal;
- f) reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
- g) the assumed traffic loading used by the engineer for the wall design.

- 38) **On-Site Detention - Maintenance Schedule**

A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of the Wollongong DCP2009.

#### **Archaeological monitoring**

- 39) Prior to issue of the Construction Certificate, the developer must provide the Principal Certifying Authority evidence that an archaeologist has been appointed to conduct archaeological monitoring of the site where digging is to occur at any depth below ground level.

- 40) **Car Parking and Access**

The development shall make provision for a total of 81 car parking spaces (including 20 disabled car 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.

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

- 42) Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 - Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
- 43) Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 to provide for adequate sight distance. This includes but is not limited to, structures such as signs, letterboxes, retaining wall, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

### **Prior to the Commencement of Works**

44) **Sign – Supervisor Contact Details**

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

- h) stating that unauthorised entry to the work site is not permitted;
- i) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- j) 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.

45) **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:

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

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

46) **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.

47) **Demolition Works**

The demolition of part of the former Clubhouse building 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.

48) **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.

49) **Consultation with WorkCover NSW – Prior to Asbestos Removal**

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

50) **Contaminated Roof Dust**

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

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

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

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

52) The developer is to obtain a Section 139(4) Excavation Exception Application approval from the NSW Heritage Council prior to any excavation.

53) **Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

**During Demolition, Excavation or Construction**

54) **Pipe Connections**

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

55) **Flood Compatible Materials – Electrical**

All power service (metering) equipment, wiring, power outlets, switches etc. shall be located above RL 5.86 metres AHD. All electrical wiring installed below this level should be suitable for



continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 5.86 metres AHD should be capable of disconnection by a single plug and socket assembly.

56) **Protection of Council Infrastructure**

The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Wollongong City Council's Development Engineering Manager shall be notified immediately in the event of any damage to Council's assets. Any damage to Council's assets shall be restored to the satisfaction of Council, with all associated costs borne by the developer.

57) **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that each ground floor level accords with the floor levels as approved under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective ground floor level of the building. All levels shall relate to Australian Height Datum.

58) **Supervision of Engineering Works**

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

59) **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.

60) **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.

61) **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 Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development. 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.

62) **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.

63) **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 normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

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

- a the variation in hours required;
- b the reason for that variation;
- c 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 consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ( $L_{Aeq} (15 \text{ min})$ ) must not exceed the background noise level ( $L_{A90} (15 \text{ min})$ ) plus 10 dB(A), and a  $L_{Aeq} (15 \text{ min})$  of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

- 64) 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.

- 65) **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

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

- 66) **Asbestos Waste Collection, Transportation and Disposal**

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

- 67) **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.

#### **Archaeological monitoring**

- 68) All works involving digging at any depth below ground level must be monitored by an archaeologist. This applies only to works within the Zone of Archaeological Sensitivity up to the Line of Sensitivity as shown in the Archaeological Report prepared by Archaeology and Heritage Pty Ltd dated January 2015.

- 69) **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000. A relevant BASIX Certificate means:

- BASIX certificate 566225M dated 7 August 2014 that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
  - BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”
- 70) Appropriate treatment and classification of excavated spoil is required prior to its disposal off-site. Toxicity characteristic leaching procedure analysis should be included in the analytical suite for waste classification of all material following treatment.

#### **Prior to the Issue of the Occupation Certificate**

- 71) Prior to issue of the Occupation Certificate, evidence of registration of the following restriction under Section 88E of the Conveyancing Act 1919 must be provided to the Principal Certifying Authority:

Any accommodation approved in this development may be occupied only by those people referred to in State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004, namely:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

#### **72) Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the building can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being RL 5.95 metres AHD.

#### **73) Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

#### **74) Restriction on use – On-site Detention System**

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

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

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

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

- 75) An effective flood emergency response report and procedure shall be prepared by a suitably qualified and experienced consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the commencement of use. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective flood response process and procedure for upper floor evacuation in storm events up to and including the Probable Maximum Flood, being RL 5.45 metres AHD in this instance.

Notification of the presence of the evacuation report and procedure will be placed on the section 149 certificate for the property to ensure future property owners are made aware of the procedure in the case of flood.

76) **Retaining Wall Certification**

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

77) **Positive Covenant – On-Site Detention Maintenance Schedule**

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

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

78) **On-Site Detention – Structural Certification**

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

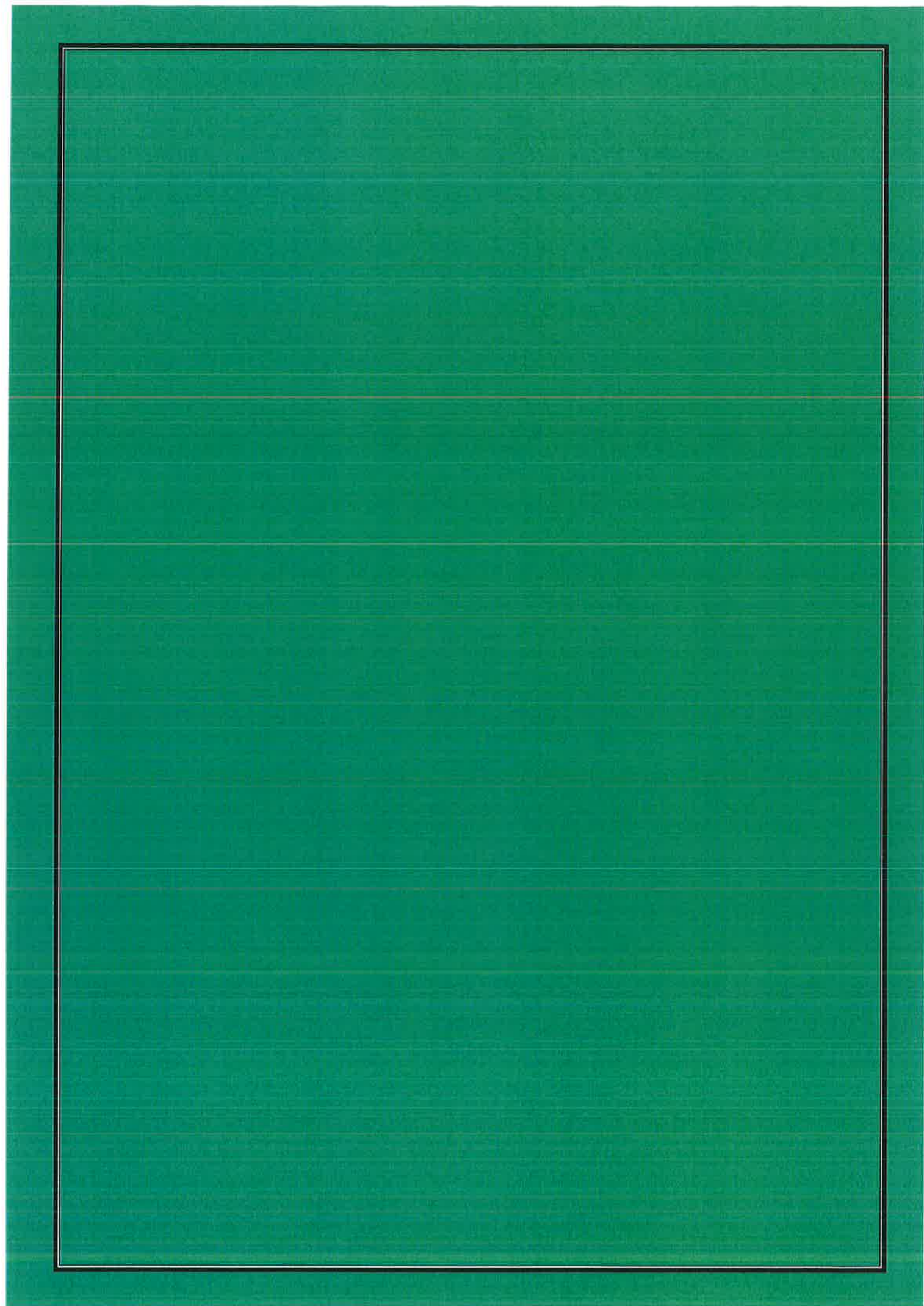
- 79) The drainage easement required to be created over existing pipework in Pioneer Rest Park (Lot 7045 Crown DP 1126831) in deferred development consent DA-2013/1199 must be registered prior to issue of the Occupation Certificate. This is to enable stormwater to be legally conveyed over this Crown land reserve. Evidence of registration must be provided to the Principal Certifying Authority and Council.

- 80) A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.





# **ATTACHMENT 5**



## ATTACHMENT 5: Clause 4.6 Variation Request

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### 10 WLEP 2009: Clause 4.6 'Exceptions to Development Standards' Statement

#### 10.1 Introduction

Clause 4.6 'Exceptions to Development Standards' of Wollongong Local Environmental Plan 2009 provides the opportunity to contravene a development standard with approval of the consent authority and concurrence by the Director-General.

A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

*"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".*

The objectives of Clause 4.6 are as follows:

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

This Section is therefore provided in order to justify why a variation is required under the following provisions of WLEP 2009, in accordance with Clause 4.6 of that Plan, as the application of these requirements is considered unreasonable or unnecessary for this particular development:

- Clause 4.3: Height of Buildings
- Clause 8.6: Building separation within Zone B3 Commercial Core or Zone B4 Mixed Use

#### 10.2 Variation to Clause 4.3 Height of Buildings

The objective of Clause 4.3 Height of Buildings pursuant to Wollongong LEP 2013 is as follows:

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

Sub clause 4.3 (2) Floor space ratio states that:

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

Building height (or height of building) means the vertical distance between ground level (existing) and 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.

#### Clause 4.3 - Height of Buildings

The overall height of the development is 26.236m, which exceeds the 24m height which is permissible under the provisions of Clause 4.3 of WLEP 2009, as shown on the Height of Buildings Map (refer Figure 11)





Figure 11: Extract of WLEP 2009 Height of Buildings Map

#### Clause 4.6 - Exceptions to Development Standards

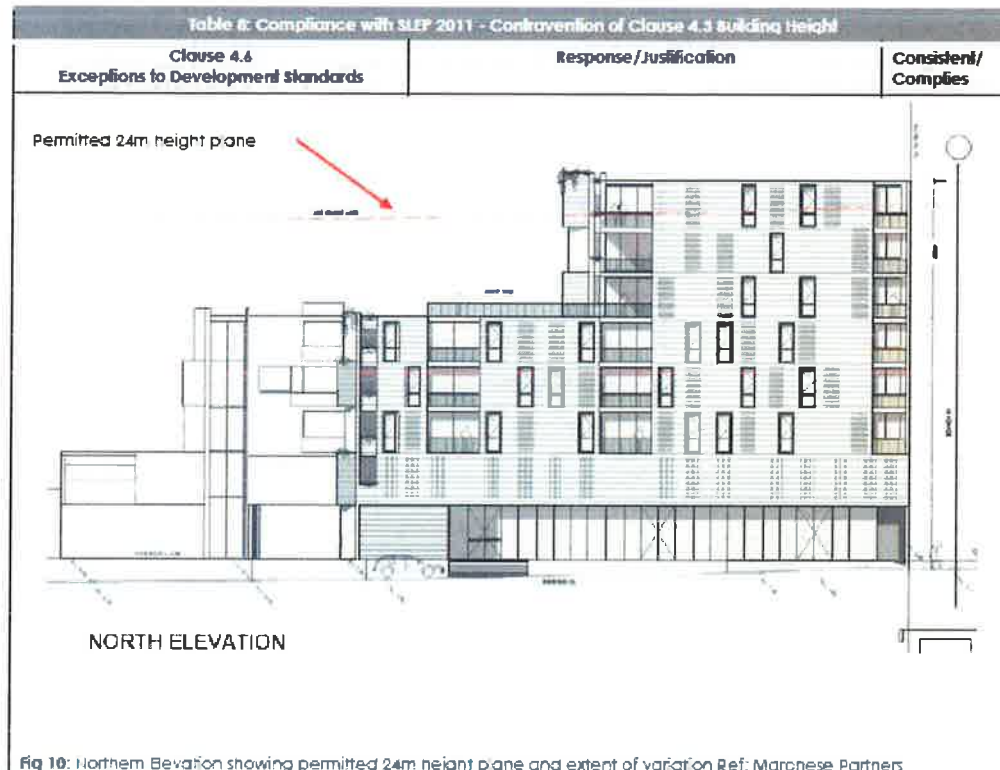
Clause 4.3(2) of WLEP 2009 contains a development standard in the form of a maximum building height. A written justification for the proposed variation to the overall building height is required in accordance with Clause 4.6. Table 8 outlines how the proposal relates to the provisions of Clause 4.6 as it applies to the contravened development standards in Clause 4.3 of WLEP 2009:

Table 8: Compliance with SLEP 2011 - Contravention of Clause 4.3 Building Height		
Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<p>(1) Objectives</p> <p>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Flexibility is sought for the application of the height for the proposed development so that a better outcome is achieved for the site. The particular circumstances for this are as follows:</p> <ul style="list-style-type: none"> <li>The proposed design is the outcome of considerable investigations by the project team into the most suitable three dimensional building envelope based on the two key criteria being: <ul style="list-style-type: none"> <li>The ability to satisfy the Sun Plane Protection requirements to Pioneer Park as required by clause 8.3 of WLEP 2009;</li> <li>The need to provide a satisfactory level of separation to the existing Howard Court building thereby ensuring that sunlight access and privacy is</li> </ul> </li> </ul>	-

log planning

Howard Street, Wollongong

Table B: Compliance with SLEP 2011 - Contravention of Clause 4.3 Building Height		
Clause 4.4 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>maintained.</p> <ul style="list-style-type: none"> <li>Additional matters which also influenced the design included:               <ul style="list-style-type: none"> <li>the need to provide a high level of surveillance to the two street frontages and also to the central open space and the deep soil zone; Pioneer Park;</li> <li>the desire to provide a significant view/landscaped corridor through the development from Stewart Street to Pioneer Park.</li> </ul> </li> <li>All of the above identified design criteria have been addressed with the proposed design, however the outcome has been a minor encroachment into the permissible 24m height plane.</li> </ul>	
(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	This subclause is not relevant to the subject proposal.	N/A
(3) 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:	This table comprises the written request seeking to justify the contravention of the height development standard.	Provided
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>Compliance with the applicable height standard is considered to be unreasonable and unnecessary in the circumstances of the case having regard to site context, the limited extent of the non compliance and the minimal visual impact.</p> <p><b>Extent of Non Compliance:</b></p> <p>The extent of the non compliance is relatively minor and relates to only a approximately 50% of Level 7. The maximum overall height of the building at any point is 26.236m.</p> <p>Level 7 has a limited building footprint of 770m<sup>2</sup>, in comparison to the lower level which have building footprints of up to 1794m<sup>2</sup>. Level 7 is sited in the corner position of the site 19m from the southern boundary of the site (and Pioneer Park) and has a substantial separation of approximately 39m to the existing Howard Court to the east.</p> <p>The extent of the variation is demonstrated in Figure 12 below, with the permissible 24m height plane depicted in red.</p>	Justified



	<p><b>Site Context:</b></p> <p>WLEP 2009 permits a height of 24m on the subject site however development to the immediate north and east can achieve a building height of up to 48m, as shown in the extract of the WLEP 2009 building height map in Figure 11. This reflects the change in zoning immediately to the north of the site, with land on the northern side of Stewart Street located in the B3 Commercial Core zone, whilst land in the southern side of Stewart St is zoned B4 Mixed Use.</p> <p>The siting of the property on the immediate periphery of the B3 Commercial Core zone where 48m heights are permissible suggests that the proposed development will integrate conformably within its context. Current development to the north of the site, which includes the Wollongong Council Chambers and government office block and development to the east (existing Howard Court) exhibit increased building heights, comparable to that which is proposed by the Howard Court 2 development.</p>	
<p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including:</p> <ul style="list-style-type: none"> <li>Other provisions of the WLEP 2009 (refer Section 7);</li> <li>The relevant Chapters of WDCP 2009 (refer Section 8);</li> <li>Section 79C of the Environmental Planning and Assessment Act 1979 (refer Section 9).</li> </ul>	<p>Justified</p>

Table 8: Compliance with LEP 2011 - Contravention of Clause 4.3 Building Height		
Clause 4.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>The increased height will have minimal impact, when compared to the anticipated impact of a compliant development, in terms of visual impact, disruption of views, loss of privacy or overshadowing.</p> <p><b>Visual Impact</b> The variation to height will not hinder the ability of the development to effectively integrate with adjacent development. Substantial separation distances to both the existing Howard Court 2 development and Pioneer Park to the south will ensure that the heritage integrity of the park is not impacted and that adjacent levels of sunlight are achieved both to the east and south.</p> <p><b>Bulk and Scale</b> Despite the variation to height the proposed the gross floor area of the development remains well within the permissible FSR established by WLEP 2011. Specifically, an FSR of 2.52:1 is permissible, whilst an FSR of only 2.12 is proposed. This confirms that the proposal does not constitute an overdevelopment of the site, with the variation to height merely intended to provide an improved design outcome rather than an increase in yield.</p>	
<p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <p>(a) the consent authority is satisfied that:</p>		
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the floor space ratio requirements.</p>	Satisfied
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p><u>Wollongong LEP 2011:</u> <u>Objectives of the Standard</u> (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved, (b) to permit building heights that encourage high quality urban form, (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.</p> <p>The objectives of the B4 Mixed Use zone are:</p> <ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>To support nearby or adjacent commercial centres without</li> </ul>	<p>The building height controls seek to establish the maximum building heights but also seek to encourage high quality urban form. This has been achieved within the design (despite the exceedance of the height) as the concentration of the building height in the north western portion of the site has minimised the impact of overshadowing of Pioneer Park and Howard Court and has allowed for the provision of a substantial landscaped corridor to the east and south.</p> <p>Further, the reduction in the footprint of Level 7 provides for articulation and visual interest in the form of the building.</p> <p>The inclusion of level 7 has not significantly altered the form of the building and that portion of the storey which extends above the 24m height limit will not impact on the ability of the adjacent buildings to the east and west to achieve views of the sky and the exposure to sunlight. The additional setbacks provided to this level from Pioneer Park will also ensure that views to the sky are obtained from this public space.</p> <p>The modified height of the development will not hinder the level of achievement of the development with the B4 Mixed Use zone objectives, as it will provide a compatible land use (seniors housing with an ancillary cafe) in a location which will encourage use of public transport and walking. The provision of additional residential accommodation in this location will support</p>	Justified



Table 6: Compliance with SLEP 2011 - Contravention of Clause 4.3 Building Height		
Clause 4.4 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
adversely impacting on the viability of those centres.	the viability of the adjacent regional centre.	
(c) the concurrence of the Director-General has been obtained.	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	Addressed
(5) in deciding whether to grant concurrence, the Director-General must consider:		
(a) whether contravention of the development standard raises any matter of significance for state or regional environmental planning, and	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.	
(b) the public benefit of maintaining the development standard, and	<p>Despite the exceedance of the allowable height, the proposed development will provide considerable public benefits which clearly would not be achieved if the 24m height limit was adhered to. Such benefits include:</p> <ul style="list-style-type: none"> <li>The provision of a substantial central courtyard which provides for deep soil planting due to the absence of a basement carpark below this level. If the floor area which is currently sited on level 7 was to be removed to allow for compliance with the 24m height control, this floor area would need to be relocated elsewhere on the site (if the development is to remain viable) and this would most likely result in an increased building footprint. The result of this would most likely be a reduction in the scale of the central courtyard.</li> <li>The central courtyard is a key feature of the site which provide a visual line of sight and a pedestrian accessway through from Stewart Street to Pioneer Park. Tree planting within this space will provide integration with the adjacent green space to the south and will provide significant benefits both for the residents of the existing and proposed Howard Court development, together with the general public.</li> </ul> <p>Further, the proposed development adheres to the recommended FSR contained within WLEP 2007 and hence, the proposed development will not raise any matter of state or regional planning significance.</p>	
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.	Addressed

### 10.3 Variation to Clause 8.6 Building Separation within B4 Mixed Use Zone

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

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.

#### Proposal:

##### **Separation Distances at Ground Floor Level:**

At the ground floor level a separation distance of in excess of 20m is provided to the northern and central sections of the Howard Court 2 building and also to new building works in the southern section of the building. Only the existing portion of the previous club building which is to be retained will have a separation distance of less than 3m. However, it would be unreasonable to retrospectively apply the separation distances specified in clause 8.6 to this existing building. Hence, the separation distances comply for all new building work at the ground floor level.

##### **Separation Distances to Adjacent Dwellings at Level 1:**

The subject building does not contain any dwellings at this level and hence the provisions of clause 8.6(3) which require separation from other buildings do not apply. Clause 8.6(2) would require a nil separation in this instance. However, the application of a nil separation at this level is inappropriate (and not intended by this clause) due to the residential function of the existing Howard Court building at all levels, which necessitate separation for privacy and sunlight purposes.

##### **Separation Distances to Adjacent Dwellings at Levels 2-4:**

To the habitable rooms in the northern extension of the Howard Court 2 building a 25m separation is provided to balconies in existing Howard Court. Complies.

To the habitable rooms in the central section of the Howard Court 2 building a 40m separation is provided to balconies in existing Howard Court. Complies.

To the habitable rooms in the southern extension of the Howard Court 2 building a 14m separation is provided to balconies in existing Howard Court. However, variation is sought as no windows are provided on the eastern elevation of Howard Court 2 at such levels.

#### **Separation Distances to Adjacent Dwellings at Level 5:**

To the habitable rooms in the northern and central sections of Howard Court 2 a 40m separation distance is provided to balconies in existing Howard Court. Complies.

To the habitable rooms in the southern extension of the Howard Court 2 building a 25m separation is provided to balconies in existing Howard Court. Complies.

#### **Separation Distances to Adjacent Dwellings at Levels 6 and 7**

To the habitable rooms in Howard Court 2 a 40m separation distance is provided to balconies in existing Howard Court. Complies.

Hence, the development is compliant with the required separation distances to the adjacent Howard Court building, with the exception of variation at Levels 2-4 where there is a reduced separation distance of 14m for the southern extension of the Howard Court 2 building. However, the length of the encroaching wall is limited and there are no windows in the eastern elevation of the Howard Court 2 building. A Clause 4.6 Exceptions to Development Standards report is contained in Table 9.

Table 7: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<p>(1) Objectives</p> <p>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Flexibility is sought for the southern extension of levels 2-4 to permit a separation distance of 14m instead of the required 20m. The particular circumstances for this are as follows:</p> <ul style="list-style-type: none"> <li>The development has been designed to accommodate a substantial central courtyard area and to minimise overshadowing impacts on the existing Howard Court building and Pioneer Park. The use of a 'U' shaped building, with reduced building footprints at the upper levels of the building has achieved such outcomes, although minor variation to building separation distances are evident at 3 floor within the building.</li> <li>The length of the encroaching wall is limited to approximately 19m, with the remainder of the building at such levels substantially exceeding the required separation distances. The central portion of the building at such levels achieves a separation distance of approximately 40m, well above the 20m required.</li> <li>The separation distances are also achieved at all other levels, except for the existing clubhouse which is to be partially retained. It would be unreasonable to retrospectively apply the 20m separation distance for this building.</li> <li>The setback requirements of WDCP 2009 are fully</li> </ul>	

Table 7: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>compliant, with the exception of the rear setback (to the southern boundary) at level 4, however this setback is compliant with clause 8.3 of WLEP 2009 (Sun Plane Protection).</p> <ul style="list-style-type: none"> <li>The development also adheres to the separation requirements of the residential Flat Design Code to the Eastern boundary (with the exception of the existing club building) as it provides:             <ul style="list-style-type: none"> <li>a compliant 9m separation at Level 1 (habitable to non habitable);</li> <li>a compliant 12m separation at levels 1-3 (habitable to habitable)</li> <li>a compliant 13m separation at level 4 (based on the eastern wall being termed a non habitable room due to the absence of openings);</li> <li>a compliant separation of in excess of 18m at level 5 and above.</li> </ul> </li> <li>Hence, it would be reasonable to apply the separation requirements of the RFD Code separation distances to the proposed development, as such standards are reflected within the SEPP 65 ten quality design principles and have more specific regard to height of building and function of rooms.</li> </ul> <p>Hence, coupled with the minor numerical variation which is sought in terms of distance and length of encroaching wall, it is considered that the objective of this clause is addressed.</p>	
(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	This subclause is not relevant to the subject proposal.	N/A
(3) 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:	This table comprises the written request seeking to justify the contravention of the building separation development standard.	Provided
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>Compliance with the applicable building separation distances are considered to be unreasonable and unnecessary in the circumstances of the case as the footprint of the building provides a superior planning and built form outcome to that anticipated by the formal planning controls.</p> <p>Further, it is considered that the building separation requirements are excessive and conflict with the recommendations of the Residential Flat Design Code which is referenced within State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) and which should be considered as the relevant planning document when measuring design outcomes of residential development.</p> <p>The recommendations of the Residential Flat Design</p>	Justified



Table 7: Compliance with WLEP 2009 - Contravention of Clause 8.6 Building Separation in the B4 Mixed Use Zone		
Clause 8.6 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>Code require separation distances of only 9m between habitable rooms and on habitable rooms up to 4 storeys and 13m at between 5 and 8 storeys, which is reasonable to apply in this case given the absence of windows on the eastern orientation of the encroaching wall.</p> <p>Further, the setbacks provided to the East are also compliant with the provisions of Chapter D13:Wollongong City Centre of WDCP 2009.</p>	
(a) that there are sufficient environmental planning grounds to justify contravening the development standard.	<p>As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including:</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policies (refer Section 6);</li> <li>Other provisions of the WLEP 2009 (refer Section 7);</li> <li>The relevant Chapters of WDCP 2009 (refer Section 8);</li> <li>Section 79C of the Environmental Planning and Assessment Act 1979 (refer Section 9).</li> </ul> <p>The reduced separation distances continue to adhere to the recommendations of the Residential Flat Design Code which have been specifically prepared to ensure that new development provides visual and acoustic privacy for existing and new residents; controls overshadowing of adjacent properties; and provides appropriate massing and spaces between buildings.</p> <p>The accompanying overshadowing diagrams prepared by Marchese Partners confirm that sunlight for Pioneer Park and Howard Court residents will be reasonably maintained despite the minor encroachment.</p>	Justified
(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:		
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the floor space ratio requirements.	Satisfied
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>Despite the exceedence of the allowable separation distances, the proposed development will be in the public interest as it still meets the objectives of the clause 8.6 as it:</p> <ul style="list-style-type: none"> <li>Provides a suitable built form to the consolidated block site by transferring the majority of the floor area to the perimeter of the site thereby providing a 'street edge' development along Stewart Street and Kembla Street. The development incorporates design measures (including setbacks and stepping down levels) to minimise the impacts of scale and bulk and to meet the Sun Plane Protection requirements of Clause 8.3 of WLEP 2009.</li> <li>The bulk of the development is concentrated to the perimeter, with the exception of the southern extension of the building. However, the southern</li> </ul>	Justified

Table 7: Compliance with WLEP 2009 - Contravention of Clause 8.4 Building Separation in the B4 Mixed Use Zone		
Clause 8.4 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
<p>uses.</p> <ul style="list-style-type: none"> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>To support nearby or adjacent commercial centres without adversely impacting on the viability of those centres.</li> </ul>	<p>extension allows for the inclusion of additional units which benefit from either a northern orientation with viewing over the central courtyard or a southern orientation with viewing over Pioneer Park.</p> <ul style="list-style-type: none"> <li>The development provides separation at all other points and levels with the buildings of well in excess of the required separation distances. This separation distance will continue to provide privacy for existing and new residents; will not impact on overshadowing as depicted within the Shadow Analysis; and will continue to provide acceptable spatial separation between building.</li> </ul> <p>Hence the proposed development achieves the objective of the building separation development standard.</p> <p>The modified height of the development will not hinder the level of achievement of the development with the B4 Mixed use zone objectives as it will provide a compatible land use (seniors housing with an ancillary cafe) in a location which will encourage use of public transport and walking. The provision of additional residential accommodation in this location will support the viability of the adjacent regional centre.</p> <p>Overall, the development of the site as proposed will facilitate the ongoing viability and economic development of the Wollongong City Centre and hence is in the public interest with development of a landmark strategic site.</p>	
(e) the concurrence of the Director-General has been obtained.	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 08-003-Variations to Development Standards (Department of Planning, May 2008).	Addressed
(5) in deciding whether to grant concurrence, the Director-General must consider:		
(c) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.	
(d) the public benefit of maintaining the development standard, and	<p>The development is located on a corner site, with the separation distances specified in this clause only being applicable to the existing Howard Court building to the east. The required separation to the south is addressed by the requirements of clause 8.3 (Sun Protection plane) and it is noted that the development is fully compliant with this requirement.</p> <p>The building footprint which is proposed is the result of extended investigations focusing on sunlight access to the east and south and also due to the desire to maintain a substantial central courtyard which would be the focus of the development.</p> <p>The southern extension of the building is located over the pedestrian pathway which leads from Stewart Street to the north and Pioneer Park to the south. Whilst</p>	

Table 7: Compliance with WLEP 2009 - Contravention of Clause 8.4 Building Separation in the B4 Mixed Use Zone		
Clause 8.4 Exceptions to Development Standards	Response/Justification	Consistent/ Complies
	<p>levels 2-4 of this portion of the building encroach into the 20m separation distance it is noted that residents within the existing Howard Court building at such levels will continue to enjoy views toward the communal open space to the northwest and to Pioneer Park via a view corridor to the southeast.</p> <p>Overall the community benefits which this though site visual and open space link provides are significant and outweigh any minor impact associated with a reduction in the building separation at levels 2-4. Spatial separation continues to be provided to meet the requirements of the RFDG, with due regard to residential amenity considering.</p> <p>The proposed separation distance which is in the order of 13m at such levels for the southern extension of the building, with substantially increased separation at other sections of the building, is considered to be acceptable to provide the desired level of privacy and sunlight in this inner city context.</p> <p>Hence, the proposed development will not raise any matter of state or regional planning significance.</p>	
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.	Addressed

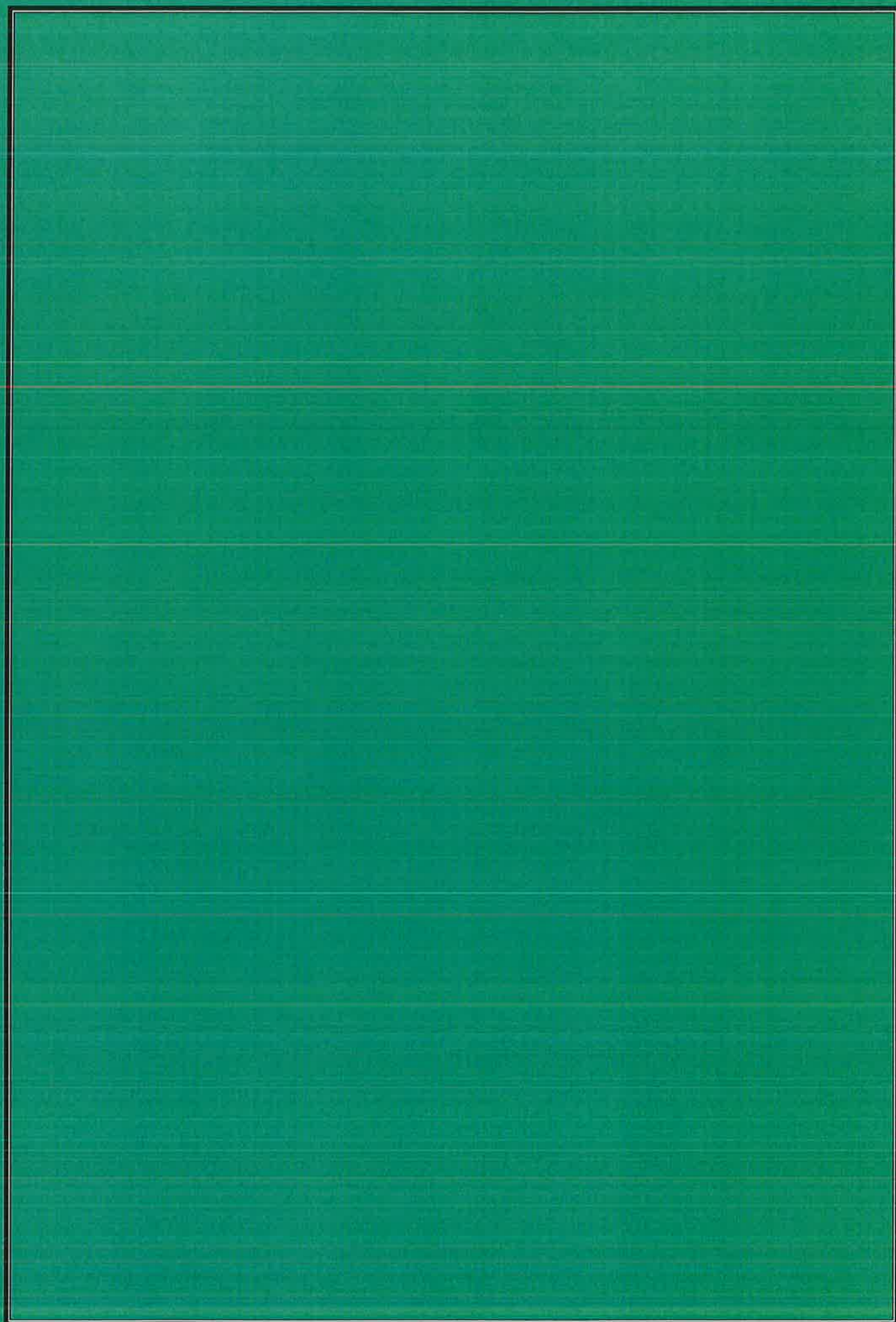
#### 10.4 Conclusion

This Statement has addressed the provisions of Clause 4.6 (Building Height) Clause 8.6 (Building Separation within B4 Mixed Use Zone) of Wollongong LEP 2009 and demonstrates that the variation sought to the development standards of the LEP are justifiable and should be supported on the basis of the achievement of sunlight access for adjacent sites; the minimal impact on residential amenity; the ability of the development to integrate having regard to its site context; the positive design outcomes achieved; and the limited extent of the non-compliance.

We therefore request that Council/JRPF implement a reasonable approach to the proposed height and building separation for the site, to provide increased visual interest and articulation in the form of the building and having regard to the overall community benefits provided by the project.

# ATTACHMENT 6





## ATTACHMENT 6: Compliance Table

### 1. STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Relevant provisions of the Code are addressed below.

**Table 1: Residential Flat Design Code**

Clause	Proposed	Complies
<b>Part 1 – Local context</b>		
<u>Building Depth</u>		
Max 18m (glass line to glass line)	The proposed building depth is 19m	Satisfactory
For wider buildings, must demonstrate how satisfactory daylight and natural ventilation are achieved	This depth is considered satisfactory, as the required solar access, natural ventilation is provided.	
<u>Building Separation</u>		
<i>Objectives</i>		
To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.	Refer WLEP clause 8.6	Satisfactory
To provide visual and acoustic privacy for existing and new residents.	Proposed separation to existing Howard Court:	
To control overshadowing of adjacent properties and private or shared open space.	<u>Ground floor:</u>	
To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.	Ground floor separation to northern and central sections of proposed building & extension to clubhouse >20m	
To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.	Ground floor separation to retained section of clubhouse >3m (no new work proposed)	
Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.	<u>Level 1:</u> No dwellings in Howard Court	
	<u>Levels 2-4:</u> 25m to balconies of Howard Court (northern extension), 40m to balconies of Howard Court (central section); 14m to balconies of Howard Court (southern extension). Variation accepted as there are no windows on proposed building eastern elevation at this level.	
	<u>Level 5:</u> 25m to balconies of Howard Court (southern), 40m to balconies of Howard Court (northern and central section)	
	<u>Levels 6 &amp; 7:</u> 40m to balconies of Howard Court (northern and central section)	

Clause	Proposed	Complies
<p><i>Rule of thumb</i></p> <p>Between adjoining sites:</p> <p><u>Up to four storeys/12m</u></p> <p>12m between habitable rooms/balconies</p> <p>9m between habitable rooms/balconies and non-habitable rooms</p> <p>6m between non-habitable rooms <u>Five to eight storeys/up to 25m:</u></p> <p>18m between habitable rooms/balconies</p> <p>13m between habitable rooms/balconies and non-habitable rooms</p> <p>9m between non-habitable rooms</p>		
<p><u>Side and rear setbacks</u></p> <p><i>Objectives</i></p> <p>To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</p> <p>Maintain deep soil zones</p> <p>Maximise building separation to provide visual and acoustic privacy</p> <p>Where setbacks are limited by lot size and adjacent buildings, 'step in' the plan to provide internal courtyards and limit the length of walls facing boundaries</p>	Building separation is discussed above.	Satisfactory
<p><b>Part 2 – Site design</b></p> <p><u>Deep Soil Zone</u></p> <p>The rule of thumb is for a minimum of 25% of the open space area of site to be a deep soil zone.</p>	826m <sup>2</sup> of deep soil zone is provided	Satisfactory
<p><u>Landscape design</u></p> <p>To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p>	A landscape plan has been provided which is satisfactory.	Satisfactory

Clause	Proposed	Complies
<p><u>Open Space</u></p> <p>The rule of thumb is for between 25-30% of the site area to be communal open space.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure is 25m<sup>2</sup>, minimum preferred dimension is 4m</p>	<p>Communal open space is proposed in the form of a terrace on Level 5, sitting/meeting room on the ground floor and the open air internal courtyard.</p> <p>All residential apartments are provided with private open space in the form of 12m<sup>2</sup> balconies.</p>	Satisfactory
<p><u>Orientation</u></p> <p>To optimise solar access to residential apartments within the development and adjacent development</p>	<p>The building length runs generally north-south, with longer elevations in the south. Private open space in the form of balconies is provided to all units. 73% of units receive the required 3hrs of solar access. Shadow diagrams have been provided which show reasonable solar access to adjoining properties.</p>	Satisfactory
<p><u>Planting on Structures</u></p> <p>Select appropriate plant species and size.</p>	<p>A landscape plan has been provided which shows proposed plantings on structures.</p>	Satisfactory
<p><u>Stormwater management</u></p> <p>To minimise the impacts of residential development and associated works on the health and amenity of natural waterways.</p> <p>To preserve existing topographic and natural features, including watercourses and wetlands.</p> <p>To minimise the discharge of sediment and other pollutants to the urban stormwater drainage system during construction activity.</p>	<p>A stormwater concept plan has been provided which is satisfactory.</p>	Satisfactory
<p><u>Safety</u></p> <p>The rule of thumb is that a formal crime risk assessment be carried out for residential developments of over 20 new dwellings.</p>	<p>A crime risk assessment is provided in the Statement of Environmental Effects. Adequate measures have been adopted to minimise crime risk.</p>	Satisfactory
<p><u>Visual privacy</u></p> <p>To provide reasonable levels of privacy externally and internally, during the day and at night</p> <p>To maximise outlook and views from principal rooms and private open space without compromising visual privacy.</p>	<p>All units incorporate a balcony and have access to common open space for further socialising. Views of the public streets and open space (Pioneer Rest Park) are provided.</p>	Satisfactory



Clause	Proposed	Complies
<u>Building entry</u> To create entrances which provide a desirable residential identity for the development. To orient the visitor To contribute positively to the streetscape and building façade design	Barrier free access to the building is provided. A porte cochere area is located on Kembla Street. A retail/café space is located in the north-west corner with view to Kembla and Stewart Streets.	Satisfactory
<u>Parking</u> To minimise car dependency for commuting and recreational transport use and to promote alternative means of transport-public transport, bicycling and walking. To provide adequate car parking for the building's users and visitors, depending on building type and proximity to public transport.	76 resident spaces and 5 retail spaces are provided. Council's traffic engineer has no objection.	Satisfactory
<u>Pedestrian Access</u> Barrier free access to at least 20% of dwellings.	All dwellings are serviced by residential lifts. Accessible entry to the building is provided.	Satisfactory
<u>Vehicle access</u> Generally limit the width of driveways to a maximum of 6 metres. Locate vehicle entries away from main pedestrian entries and on secondary street frontages.	Vehicle entry to the car park is via Kembla Street.	Satisfactory.
<b>Part 3 – Building Design</b>		
<u>Apartment layout</u> Single-aspect apartments should be limited in depth to 8m from a window Back of a kitchen should be no more than 8m from a window Providing open space in the form of a balcony, a terrace, a courtyard or a garden for every apartment Locating main living areas adjacent to main private open space. Include adequate storage space.	Units are located on Levels 2-7 All apartments have more than one aspect. All units have kitchens less than 8m from a window. All units have private open space in the form of balconies. All apartments have living areas adjoining balconies. All apartments have internal storage.	Satisfactory
<u>Apartment mix</u> To provide a diversity of apartment types, which cater for different household requirements now and in the future. To maintain equitable access to new housing by cultural and socio-economic	Of the 75 units, 58 are 2 bedroom and 17 are 3 bedroom.	Satisfactory

Clause	Proposed	Complies
groups.		
<u>Balconies</u>		
Provide primary balconies with a minimum depth of 2m.	All apartment balconies have minimum depths exceeding 2m.	Satisfactory
Developments that seek to vary from the minimum standards must demonstrate negative impacts from noise, wind cannot be mitigated with design solutions.		
<u>Ceiling heights</u>		
Minimum 2.7m for habitable rooms	All apartments have ceiling heights of minimum 2.7m.	Satisfactory
<u>Flexibility</u>		
To encourage housing designs which meet the broadest range of the occupants' needs as possible.	An accessibility report has been provided.	Satisfactory
To promote 'long life loose fit' buildings, which can accommodate whole or partial change of use.	All units are designed to be occupied by seniors of people with a disability.	
To encourage adaptive re-use.		
<u>Ground floor apartments</u>		
Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	No ground floor apartments are provided.	N/a
Provide ground floor apartments with access to private open space, preferably as a terrace or garden.		
<u>Internal circulation</u>		
In general, where units are arranged off a double loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	All residential floors have less than 8 units off a corridor.	Satisfactory
<u>Mixed use</u>		
Choose a compatible mix of uses	The development incorporates commercial and residential areas. These are considered appropriate for a seniors development.	Satisfactory

Clause	Proposed	Complies
<u>Storage</u>		
Studio apartments – 6m <sup>3</sup> One-bedroom apartments – 6m <sup>3</sup> Two bedroom apartments – 8m <sup>3</sup> Three plus bedroom apartments – 10m <sup>3</sup>	All residential apartments provide internal storage in the form of wardrobes.	Satisfactory
<u>Acoustic privacy</u>		
Adequate separation from neighbouring buildings. Unit arrangement to avoid noise transmission.	Adequate acoustic privacy is provided. The floor plan groups non-sensitive rooms. Minimum standards for acoustic privacy within the Building Code of Australia would apply.	Satisfactory.
<u>Daylight access</u>		
Living rooms and private open spaces for at least 70% of apartments should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter. In dense urban areas a minimum of 2 hours may be acceptable.	73% of units achieve minimum 3 hrs.	Satisfactory
<u>Natural ventilation</u>		
60% of residential units should be naturally cross ventilated.	60% of units are cross-ventilated.	Satisfactory
<u>Facades</u>		
To ensure that new developments have facades which define and enhance the public domain and desired street character. To ensure that building elements are integrated into the overall building form and façade design.	The building has exposure to Kembla and Stewart Streets and the adjoining Pioneer Rest Park. The proposed palette of materials provides interest, durability and texture suitable for the site context.	Satisfactory
<u>Roof design</u>		
To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings.	The proposed roof design is appropriate for the scale and use of the building.	Satisfactory
<u>Energy efficiency</u>		
	A BASIX certificate has been provided.	Satisfactory
<u>Maintenance</u>		
To ensure long life and ease of maintenance for the development.	Proposed external finishes and landscaped areas do not appear to be difficult to maintain.	Satisfactory

Clause	Proposed	Complies
<u>Waste management</u>		
Supply waste management plans as part of the development application.	Details of waste servicing have been provided. Bins and collection will occur in the ground floor car park.	Satisfactory
<u>Water conservation</u>		
To reduce mains consumption of potable water.	A BASIX certificate has been provided.	Satisfactory
To reduce the quantity of stormwater run off.		

**Table 2: Apartment schedule (from Statement of Environmental Effects)**

**Table 3:** Schedule of Apartments

	1 Bed	2 Bed	3 Bed	GBA (m²)	P.O.S	C.O.S	Storage (m³) in Unit	Storage (m³) External	Solar Access (3h)(9-15)	Cross Vent
<b>Level 2</b>				2204.0					<input type="checkbox"/>	<input type="checkbox"/>
2.01		89.0			12.0		8.9		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.02		80.0			12.0		7.5	0.5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2.03		80.0			12.0		7.3	0.7	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.04			129.0		12.0		10.5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2.05		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.06		78.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>
2.07		97.0			12.0		4.0	4.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2.08			137.0		12.0		12.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2.09		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.10		83.0			12.0		10.8		<input type="checkbox"/>	<input type="checkbox"/>
2.11		84.0			12.0		8.6		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.12		90.0			12.0		13.5		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.13		97.0			12.0		9.7		<input type="checkbox"/>	<input type="checkbox"/>
2.14		83.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>
2.15		84.0			12.0		8.1		<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.16		80.0			12.0		7.5	0.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.17		85.0			12.0		9.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Level 3</b>				2204.0					<input type="checkbox"/>	<input type="checkbox"/>
3.01		89.0			12.0		8.9		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.02		80.0			12.0		7.5	0.5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3.03		80.0			12.0		7.3	0.7	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.04			129.0		12.0		10.5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3.05		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.06		77.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>
3.07		96.0			12.0		4.0	4.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3.08			135.0		12.0		12.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



	1 Bed	2 Bed	3 Bed	GBA (m <sup>2</sup> )	P.O.S	C.O.S	Storage (m <sup>3</sup> ) in Unit	Storage (m <sup>3</sup> ) External	Solar Access (3h)(9-15)	Cross Vent
3.09		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.10		84.0			12.0		10.8		<input type="checkbox"/>	<input type="checkbox"/>
3.11		84.0			12.0		8.6		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.12		90.0			12.0		13.5		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.13		97.0			12.0		9.7		<input type="checkbox"/>	<input type="checkbox"/>
3.14		83.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>
3.15		84.0			12.0		8.1		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.16		80.0			12.0		7.5	0.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.17		85.0			12.0		9.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Level 4				2204.0					<input type="checkbox"/>	<input type="checkbox"/>
4.01		89.0			12.0		8.9		skylight	<input checked="" type="checkbox"/>
4.02		80.0			12.0		7.5	0.5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.03		80.0			12.0		7.3	0.7	<input checked="" type="checkbox"/>	sk
4.04			129.0		12.0		10.5		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.05		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.06		78.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>
4.07		97.0			12.0		4.0	4.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.08			137.0		12.0		12.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4.09		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.10		83.0			12.0		10.8		<input type="checkbox"/>	<input type="checkbox"/>
4.11		84.0			12.0		8.6		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.12		90.0			12.0		13.5		sk	<input checked="" type="checkbox"/>
4.13		97.0			12.0		9.7		sk	sk
4.14		83.0			12.0		8.1		sk	sk
4.15		84.0			12.0		8.1		sk	<input checked="" type="checkbox"/>
4.16		80.0			12.0		7.5	0.5	<input checked="" type="checkbox"/>	sk
4.17		85.0			12.0		9.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Level 5				2089.0					<input type="checkbox"/>	<input type="checkbox"/>
5.01			135.0		27.0		14.8		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.02			114.0		12.0		8.6	1.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.03		77.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>
5.04		97.0			12.0		4.0	4.0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.05			135.0		12.0		12.4		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.06		70.0			12.0		4.0	4.0	<input type="checkbox"/>	<input type="checkbox"/>
5.07		83.0			12.0		6.5	1.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.08		91.0			22.0		9.7		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5.09		85.0			38.0		6.7	1.3	sk	sk
5.10		99.0			28.0		14.0		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Level 6				1381.0					<input type="checkbox"/>	<input type="checkbox"/>
6.01			135.0		27.0		14.8		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6.02			114.0		12.0		8.6	1.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.03		76.0			12.0		8.1		<input type="checkbox"/>	<input type="checkbox"/>

## 2. STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY) 2004 NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

Relevant clauses of SEPP (Seniors) are addressed in Table 3.

**Table 3: SEPP (Housing for Seniors and People with a Disability) 2004**

Clause	Proposed	Complies
33 Neighbourhood amenity and streetscape	The development: <ul style="list-style-type: none"> <li>• Contributes to quality and identity of the area</li> <li>• has regard to heritage item (Pioneer Rest Park)</li> <li>• building setbacks reduce bulk and overshadowing</li> <li>• building height appropriate for the zone and adjoining development, including sun access plane controls</li> </ul>	Yes
34 Visual and acoustic privacy	Balconies are located to maximise east & west solar access and views to public streets and the internal courtyard Landscaping is provided on residential levels Method of construction/materials are required to comply with Australian Standards	Yes
35 Solar access and design for climate	Satisfactory solar access to living areas is provided (73% of units 3 hrs)	Yes
36 Stormwater	Stormwater run-off minimised by OSD and paving/hard surface reduced area (refer stormwater plan)	Yes
37 Crime prevention	Crime prevention is enhanced by site design and surveillance opportunities from each unit and security access controls	Yes
38 Accessibility	Safe access will be ensured by footpath works. The building and all units have barrier-free access.	Yes
39 Waste management	Waste service arrangements have been specified. Adequate room for recycling initiatives is provided.	Yes
<u>40 Development standards—minimum sizes and building height</u> Minimum 1000m <sup>2</sup> site area Minimum site frontage 20m	Does not apply to social housing providers. Notwithstanding: Site area is 4319m <sup>2</sup> Minimum frontage >20m Residential Flat buildings are permissible with consent in the B4 Mixed Use zone	N/a
41 Standards for hostels and self-contained dwellings	Compliance with Schedule 3 is demonstrated (note: exclusions where social housing provider and units are above ground floor)	Yes
<u>50 Standards that can't be used</u>	Building height 26.23m	N/a

Clause	Proposed	Complies
<u>to refuse DA</u> Building height: where 8m Density & scale: where maximum FSR is 0.5:1 or less If social housing provider, minimum 35m <sup>2</sup> of landscaping per unit (i.e. 2625m <sup>2</sup> ) Minimum 15% of the site as deep soil zone (i.e. 647.85m <sup>2</sup> ) Minimum 70% of units receive minimum 3hrs sunlight between 9am and 3pm Private open space balconies minimum 10m <sup>2</sup> Minimum 1 parking space per 5 dwellings (i.e. 15 spaces)	FSR 2.12:1 Landscaping provided for each unit (total 1612m <sup>2</sup> ) Deep Soil zone provided (826m <sup>2</sup> ) Solar access provided (73%) Private open space in balconies provided (12m <sup>2</sup> per unit) Parking provided (76 resident spaces)	

## 2. WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

### 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.

**Table 4: Chapter D13 WDCP 2009**

#### 2 Building form

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.1 General</u>		
Building form and character refers to the individual elements of building design that collectively contribute to the character and appearance of the built environment. Wollongong City Centre LEP includes provisions for land use, building heights and sun access planes, floor space ratio and design excellence. The building form provisions are intended to encourage high quality design for new buildings, balancing character of Wollongong with innovation and creativity.  The resulting built form and character of new development should contribute to an attractive public domain in central Wollongong and produce a desirable setting for its intended uses.	The proposed design incorporates minor departures from WLEP 2009 height and separation controls. These occur in relation to the eastern elevation of the existing clubhouse building (no works proposed) and the northern part of Level 7 only. These variations are not considered to result in adverse impacts to neighbouring residents or the public domain and are supported.	Satisfactory
<u>2.2 Building to street alignment and street setbacks</u>		
B4 zone: 3m required setback to both Kembla and Stewart Streets	3m setback provided to both streets.	Satisfactory
<u>2.4 Building depth and bulk</u>		
Maximum 18m building depth residential	19m maximum depth proposed.	Satisfactory
Maximum 900m <sup>2</sup> floor plate size outside B3 zone, for residential above 12m	Above 12m (Levels 4-7) variable floor plate proposed: 1791m <sup>2</sup> , 1126m <sup>2</sup> & 896m <sup>2</sup> . Variation acceptable as the development achieves required SEPP 65 solar access, kitchen daylight and cross ventilation. Amenity is not compromised by increased floor plate on Levels 4 & 5.	
<u>2.5 Side and rear building setbacks and building separation</u>		
Residential uses up to 12m: 6m side & rear for habitable rooms with openings	All setbacks exceed requirements, except where sun access plane control (WLEP 2009)	Satisfactory

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
and balconies; 3m side & 4.5m rear for non-habitable rooms and habitable without openings Residential uses between 12 & 24m: 9m side & rear for habitable rooms with openings and balconies; 4.5m side & rear for non-habitable and habitable without openings Residential uses above 24m: 12m side & rear for habitable rooms with openings and balconies; 6m side & rear for non-habitable and habitable without openings	overrides	
<b><u>2.6 Mixed used buildings</u></b>		
Minimum 3.3m ceiling heights for commercial space Separate commercial service areas from residential access Locate clearly demarcated residential entries from the public street	The facility is a seniors housing development, which incorporates ancillary commercial floor space on the ground floor. It is not strictly characterised as a mixed use building. Notwithstanding, the ceiling height on the ground floor exceeds 3m, commercial and residential entries are separate.	Satisfactory
<b><u>2.7 Deep soil zone</u></b>		
Minimum 15% of site area shall be deep soil zone For a residential component of mixed use buildings, required deep soil zone may be reduced.	15% of 4319m <sup>2</sup> = 647.85m <sup>2</sup> 826m <sup>2</sup> is provided. Council's landscape officer has no objection.	Satisfactory
<b><u>2.8 Landscape design</u></b>		
A landscape plan must be provided.	Council's landscape officer has no objection to the proposed landscape plan	Satisfactory
<b><u>2.9 Planting on structures</u></b>		
Provide soil depth appropriate for plant type and structure	Council's landscape officer has no objection to the proposed landscape plan	Satisfactory

### **3 Pedestrian amenity**

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<b><u>3.3 Active street frontages</u></b>		
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	The site is not identified in figure 3.4 as requiring an active street frontage. The building incorporates a café/restaurant on the Kembla and Stewart Street corner. This offers a high degree of activity and presence to the public street when operating. Adjacent to the café space is a porte cochere (Kembla	Satisfactory



Street) and main building entry (Stewart Street). These would afford greater activity, potentially outside of café hours.

### 3.4 Safety and security

Ensure adequate lighting, surveillance and good lines of sight. Provide security access where required.	Crime prevention is addressed in the Statement of Environmental Effects. Adequate access controls, and building design are proposed.	Satisfactory
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### 3.6 Vehicular footpath crossings

One vehicle access point only will generally be permitted.	<p>The existing driveway located on Stewart Street will be retained, and is required by the 88b restrictions affecting the property.</p> <p>The main vehicle entry (only entry to the carpark) is in the north of Kembla Street frontage.</p> <p>A service lane is located at the southern perimeter of the site, which provides for 5 stacked retail spaces.</p> <p>Council's traffic engineer has no objection to the proposal.</p>	Satisfactory
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### 3.8 Building exteriors

Adjoining buildings should be considered. Balconies should be provided. External walls should be articulated. External materials should be of high quality and durable.	A schedule of external finishes has been provided. All elevations contain balconies and windows. The elevation to Pioneer Park is durable and of materials compatible with the setting and former use of the Park.	Satisfactory
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### 3.10 Views and view corridors

Maintain and enhance views to the foreshore and escarpment, where practical.	The site is located outside the distant panoramic view corridor identified in figure 3.12.	Satisfactory
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## **4 Access, parking and servicing**

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.2 Pedestrian access and mobility</u>		
Main building entry should be clearly visible.	Barrier free access is provided to the building and to all units.	Satisfactory
Development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Upgrades to the Kembla and Stewart Street footpaths are required to ensure compliance with relevant Australian Standards.	
Development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.		
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.

#### 4.3 Vehicular driveways and manoeuvring areas

All vehicles must enter and exit in forward direction with maximum 3-point turn.

Driveway widths and dimensions and car space widths and dimensions must comply with Australian Standards.

Semi-pervious materials on driveway to provide for stormwater filtration.

Council's traffic engineer has no objection to Satisfactory the proposed access and location of parking.

#### 4.4 On-site parking

Parking must be on-site and meet AS2890.1 2004 (as amended).

Parking is discussed in the report. Council's Satisfactory traffic engineer has no objection to the proposed car parking layout , manoeuvring areas or umber of spaces.

#### 4.5 Site facilities and services

Provide mailboxes in one accessible location.

General mailbox location is shown on the Satisfactory ground floor. .

Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:

Waste storage is proposed in the ground floor car park. Servicing is required to be effected by a medium rigid vehicle.

i) Away from the street frontage, and

Utility connection may be finalised at construction phase.

ii) Integrated into the roof scape design

All development is to adequately accommodate waste handling and storage on-site.

The development must ensure that adequate provision has been made for all essential services including water, sewerage, electricity and telecommunications and stormwater drainage.

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### **5 Environmental management**

#### *Objectives/ controls*

#### *Comment*

#### *Compliance*

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#### 5.2 Energy efficiency and conservation

New dwellings are to comply with SEPP (BASIX)

A BASIX certificate has been provided

Satisfactory

#### 5.3 Water conservation

New dwellings are to comply with SEPP (BASIX)

A BASIX certificate has been provided

Satisfactory

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#### 5.4 Reflectivity

Visible light reflectivity from building materials used on facades of new buildings should not exceed 20%.	The selected external finishes are not expected to exceed 20%.	Satisfactory
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#### 5.6 Waste and recycling

A site waste minimisation and management plan is required.	A site waste minimisation and management plan has been provided. Waste collection and bin storage is to occur in the ground floor car park.	Satisfactory
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### **6 Residential development standards**

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
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#### 6.1 SEPP 65 and residential flat design code

SEPP 65 controls are adopted	Refer SEPP 65 discussion	Refer SEPP 65
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#### 6.2 Housing choice and mix

Minimum 10% of all units are to be capable of adaptation	100% of units are able to be occupied by people with a disability	Satisfactory
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#### 6.7 Communal open space

Minimum 5m <sup>2</sup> of communal open space is required for each apartment in developments containing more than 10 apartments	75 apartments are proposed i.e. 375m <sup>2</sup> . Total 1002m <sup>2</sup> is provided (880m <sup>2</sup> on the ground floor and 122m <sup>2</sup> on the Level 5 terrace)	Satisfactory
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#### 6.8 Private open space

Private open space in the form of balcony or terrace is required for each apartment	All residential apartments are provided with private open space in the form of balconies.	Satisfactory
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#### 6.9 Overshadowing

Adjacent residential buildings and their public spaces must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.	Shadow diagrams have been provided. These show shadowing would to the existing Howard Court building, however the shadowing is of an acceptable duration. .	Satisfactory
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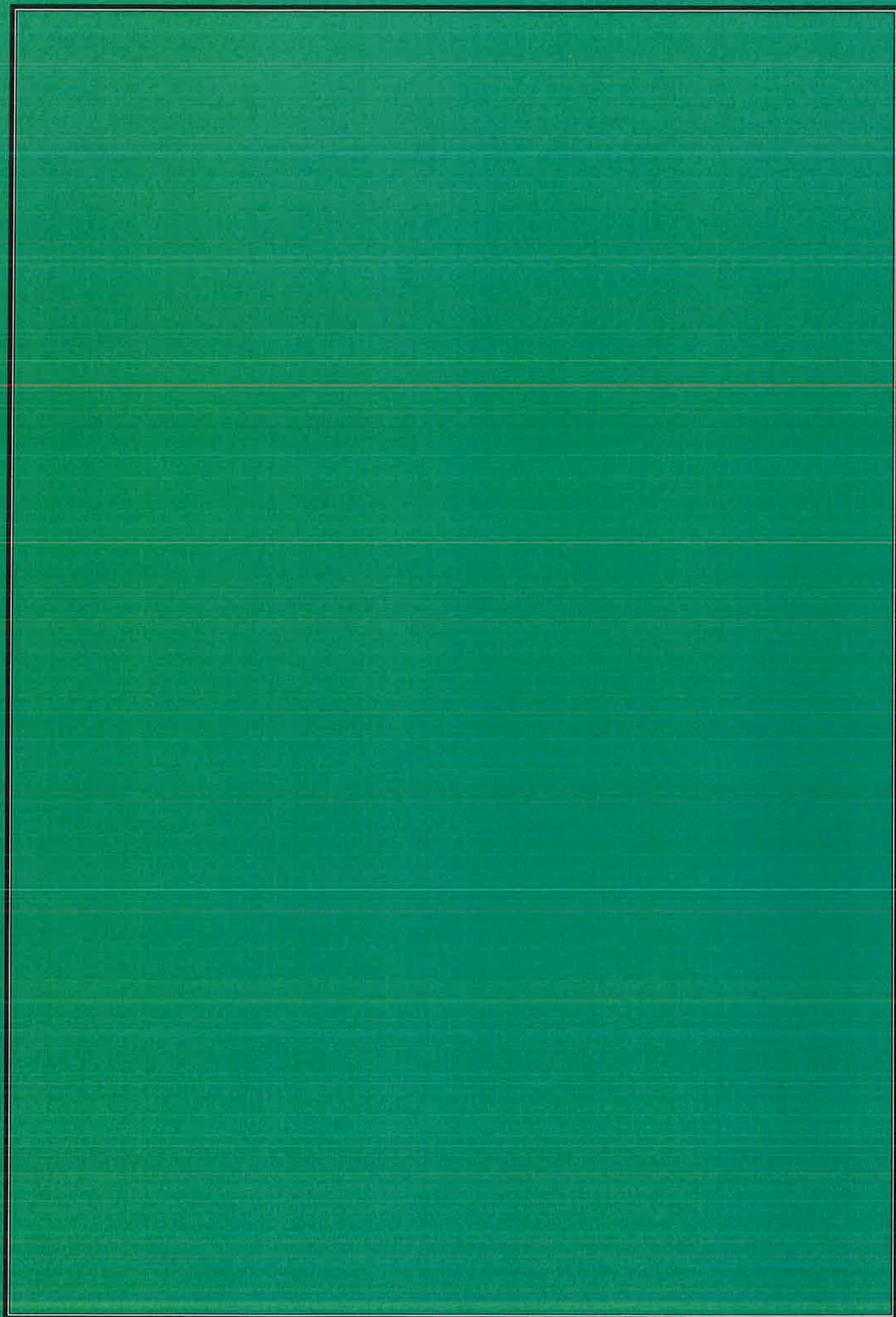
The design of the development must have regard to the existing and proposed level of sunlight which is received by living areas and private open space areas of adjacent dwellings. Sensitive design must aim to retain the maximum amount of sunlight for adjacent residents. Council will place greatest emphasis on the retention of sunlight within the lower density residential areas.

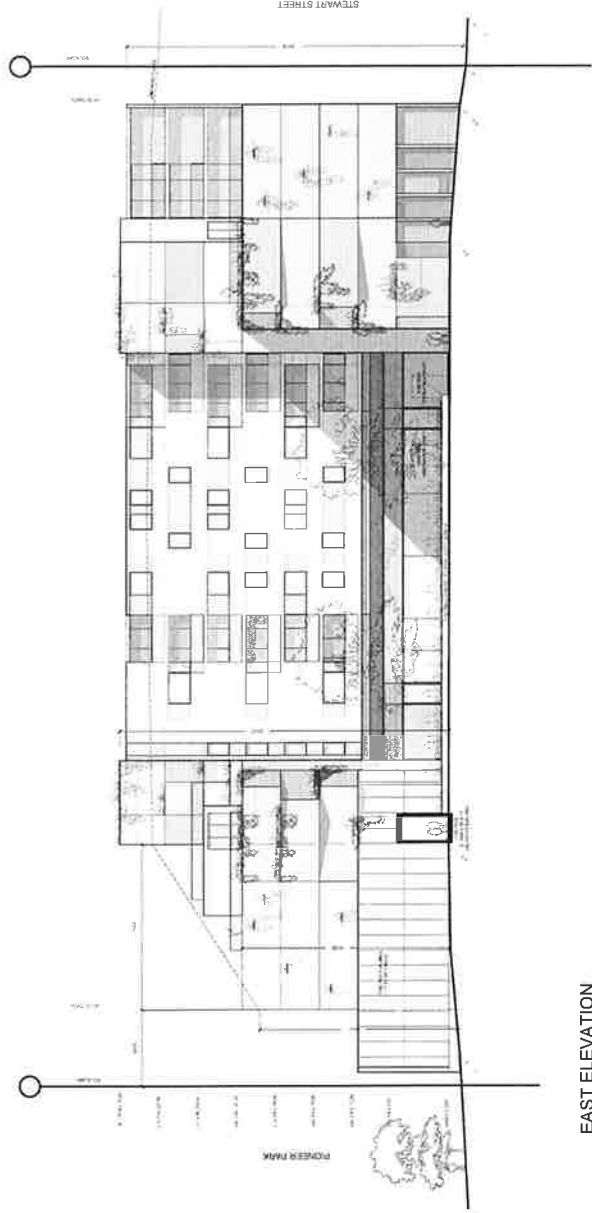
In areas undergoing change, the impact of overshadowing on development likely to be built on adjoining sites must be considered, in addition to the impacts on existing development.

<i>Objectives/ controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>6.10 Solar access</u></p> <p>Shading devices should be utilised where necessary, particularly where windows of habitable rooms are located on the western elevation.</p> <p>The living rooms and private open space of at least 70% of apartments should receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm.</p> <p>The number of single aspect apartments with a southerly aspect (south-westerly to south-easterly) is limited to a maximum of 10% of the total number of apartments proposed.</p>	<p>Shading devices are not shown on the floorplans. 73% of units achieve the required solar access.</p> <p>No apartments are single aspect.</p>	Satisfactory
<p><u>6.11 Natural ventilation</u></p> <p>A minimum of sixty percent (60%) of all residential apartments shall be naturally cross ventilated.</p>	<p>60% of units are naturally cross-ventilated.</p>	Satisfactory
<p><u>6.12 Visual privacy</u></p> <p>The internal layout of buildings should be designed to minimise any direct overlooking impacts occurring upon habitable rooms and private balcony/open space courtyards, wherever possible by separating communal open space and public domain areas from windows of rooms, particularly sleeping room and living room areas.</p>	<p>Residential apartments are located on Levels 2-7. Direct overlooking has been minimised by the building footprint.</p>	Satisfactory
<b>8 Works in the public domain</b>		
<p>Any works within the public domain are to be in accordance with the Public Domain Technical Manual (Appendix 2 WDCP 2009)</p>	<p>Footpath levels are currently non-complying and offer a difficult passage for pedestrians. Rectification works are required. Council's landscape officer has reviewed the proposed public domain works and has no objection.</p>	Satisfactory

# PLANS







EAST ELEVATION

IMPORTANT NOTES  
This drawing is for information only and is not to be used for construction. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary approvals are obtained. The client should consult with the architect for further information and advice.  
**PRELIMINARY**  
NOT FOR CONSTRUCTION

DATE: 16/03/15  
DRAWN: EK  
CHECKED: AK  
REVISION: 1

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CLIENT: IRT  
PROJECT: SENIOR LIVING BUILDING  
27A STEWART STREET  
WOLLONGONG

DRAWING TITLE			
EAST ELEVATION			
SCALE	DATE	DRAWN	CHECKED
1 : 200 @ A1	16/03/15	EK	AK
1 : 200 @ A3	DRAWING		REVISION
20	XXXX	DA 3.02	*





