

Attachment 4 - Wollongong Development Control Plan (DCP) 2009 Assessment

CHAPTER D13 – WOLLONGONG CITY CENTRE

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

The application generally complies with the controls contained within this chapter though there are some variations identified in bold within the compliance tables. These variations are discussed in detail within the body of the assessment report.

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.1 General</u>		
<u>2.2 Building to street alignment and street setbacks</u>	Setbacks provided:	
Required:		
<u>Denison Street</u> : 3m specified setback	<u>Denison Street (primary frontage)</u> : 3m to the building. entry canopy over the primary forecourt and shallower awning encroach into this setback. This is considered to be appropriate in this instance as there are a variety of building setbacks evident in the locality, particularly on the eastern side of Denison Street. This element of the design was supported by the Design Review Panel.	No , variation to the awning setback which is considered to be acceptable in this instance
<u>Hercules Street</u> : 3m specified setback	<u>Hercules Street</u> :- 7m to wider part of the allotment (note irregular alignment of boundary);	
Corner properties to provide a 6m x 6m corner splay	No splay provided to the corner as required; the applicant contends that it is considered that a 6m x 6m splay is unnecessary given the minor nature of the intersection; the suitability of this aspect of the proposal has been confirmed by Council's Traffic Engineer.	
<u>2.3 Street frontage heights in commercial core</u>	Not applicable	N/A

Objectives/controls	Comment	Compliance
<p><u>2.4 Building depth and bulk</u></p> <ul style="list-style-type: none"> No points on an office floor should be more than 10m from a source of daylight (eg. window, lightwell or skylight) in buildings less than 24m in height, and no more than 12.5m from a window in buildings over 24m in height. 	<p>A small portion of each floor, the area adjoining the central amenities and lift cores on Levels 1-6, are greater than 12.5m from a window. The portion of floor area that is greater than 12.5m from a window ranges from a depth of 2m-2.4m. This is considered a minor variation and will have a negligible impact on access to natural light, the building's efficiency or the thermal comfort of future occupants.</p> <p>This building features substantial areas of glazing and is setback from boundaries meaning all floors will receive solar access.</p> <p>This variation is supported.</p>	<p>No - minor variation sought; variation is supported</p>
<p><u>2.5 Side and rear building setbacks and building separation</u></p> <ul style="list-style-type: none"> Minimum building setbacks from the side and rear property boundaries:- <ul style="list-style-type: none"> Up to 24m height - 3m to side & 9m rear (Ground to L5). Above 24m height (L6): 6m to side & 12m to rear 	<p>Proposed</p> <p><u>Levels G – L5 (up to 24m):</u></p> <p><u>Side</u> – 7.68m setback to wall of Level G & Level 1; 3m to columns supporting undercroft</p> <p>3m to Levels 2 -5</p> <p><u>Rear</u> – 9.460m to Levels 1-5 (blade/ fin walls encroach into this)</p> <p><u>Level 6 (>24m high):</u></p> <p>North (side) – 9950 to wall of level 6; 6m setback to L6 terrace</p> <p>East (rear) – 9460mm to level 6 (12m required)</p>	<p>No* Variation sought in relation to the rear setback to Level 6. The control requires a setback of 12m and a setback of 9.46m has been provided.</p>
<p><u>2.6 Mixed used buildings</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>2.7 Deep soil zone (DSZ)</u></p>	<p>Not required for commercial buildings</p>	<p>Yes</p>
<p><u>2.8 Landscape design</u></p>	<p>Landscape plan is generally reasonable and is compatible with the civil and stormwater plans. A number of conditions are recommended in relation to landscaping matters.</p>	<p>Yes</p>

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>2.9 Green roofs, green walls and planting on structures</u>	Planting on structure proposed including small planter beds adjacent to the northern boundary, in the north-eastern corner of the site and on the L6 terraces. Some details provided on the landscape plan which is deemed satisfactory by Council's Landscape Architect. Most details can be conditioned if consent were granted.	Yes with conditions
<u>2.10 Sun access planes</u>	There are no nearby sites protected by the sun access controls.	N/A
<u>2.11 Development on classified roads</u>	N/A	N/A

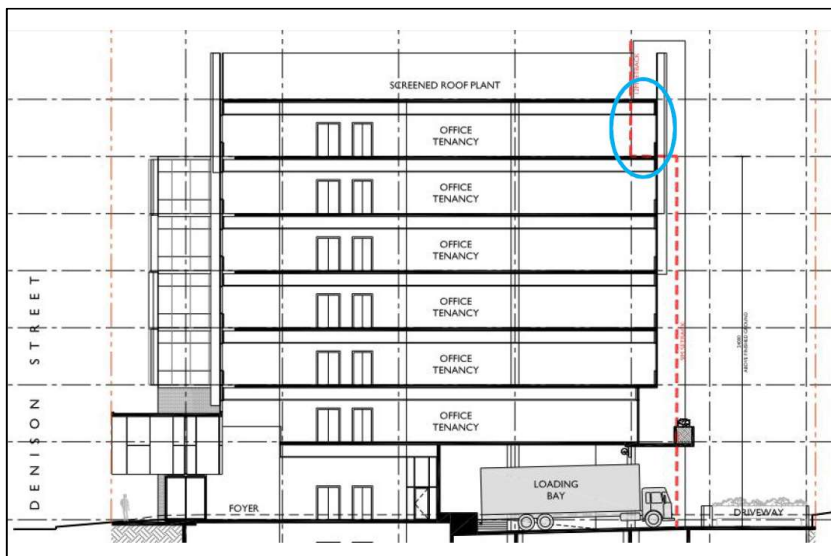
Variation in relation to Clause 2.5 rear building setback to Level 6

The control requires a 12m setback to Level 6 from the rear boundary of the site. The applicant has provided the following justification for the variation:-

"Chapter 13 of the Wollongong DCP 2009 stipulates the relevant controls for side and rear setbacks under Section 2.5.3. Specifically, the side and rear setbacks for that portion of the building that is greater than 24m in height are:- 6m side setback and 12m rear setback. Proposed Level 6 is greater than 24m and as such these setback controls apply.

In regard to the side setback above 24m in height, the proposed development provides a significantly greater setback than the required 6m on the northern elevation. However, the rear setback does not comply with the required 12m. The eastern (rear) elevation is articulated and the setback ranges from 9.4m to 11.4m.

This therefore equates to a shortfall of 2.6m-0.6m. Below is an extract of the section showing the noncompliance circled in blue:-



It is noted that the property adjoins the main southern railway line to the rear and as such a shortfall in the setback at the 6th level is considered negligible. Being a railway corridor there is no negative impact generated from the shortfall by way of solar access or privacy. Nor is there an additional loss of views from the noncompliance. In this regard the variation is considered acceptable.”

Planner Comment: the applicant’s justification is considered to be sufficient and the variation is supported. No adverse impacts will arise as a result of the reduced setback, on either the adjoining properties or internally within the site. The use proposed is not a sensitive noise receiver, the reduced setback will not compromise internal amenity for future building occupants.

3 Pedestrian amenity

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 General</u>		
<u>3.2 Permeability</u> Site links, arcades and shared laneways are to be provided as shown in figure 3.1	Figure 3.1 indicates there are no proposed pedestrian links within the vicinity of the site.	N/A
<u>3.3 Active street frontages</u>		
<ul style="list-style-type: none"> Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front. Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. Active office uses, such as reception, if visible from the street. In commercial and mixed use development, active street fronts are encouraged in the form of non-residential uses on ground level. Active street fronts are required along streets for all buildings in the Commercial Core Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street. 	<p>Development provides for activation of the street frontage in the form of active commercial uses, appropriate street treatment, entries on both street frontages and appropriate interface with the public domain.</p> <p>Active office uses (reception and the like) will be provided on the ground floor and will be visible from the street.</p> <p>The stepped and open forecourt area provides for visual connectivity to the street and open sightlines for surveillance.</p> <p>The ground floor is at the same level of the footpath and is accessible directly from the street.</p>	Yes
<u>3.4 Safety and security</u>		
<ul style="list-style-type: none"> Ensure that the building design allows for casual surveillance of accessways, entries and driveways. Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and carparks. Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. Provide adequate lighting of all pedestrian access ways, parking areas and building entries. Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance. 	Activation of the ground floor, extent of glazing and open nature of the forecourt on the western side of the building will reduce opportunities or discourage criminal or antisocial behaviour. The entries are readily identifiable and are exposed to view from the public footpath. Lighting of the whole forecourt space is recommended for night time activation and to assist natural surveillance of the space. The openings at the rear of the building (carpark entry, waste room and loading dock) will need to be	Yes

<ul style="list-style-type: none"> • Provide clear lines of sight and well-lit routes throughout the development. • Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. • For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles. • Provide security access controls where appropriate. • Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone. 	<p>secured outside of business hours and it is anticipated that CCTV monitoring will be employed.</p>	
<p>The design responds appropriately to CPTED principles; refer to Chapter E2 assessment below.</p>		
<p><u>3.5 Awnings</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>3.6 Vehicular footpath crossings</u></p>	<p>One vehicle access point will service the site; to be accessed via the Hercules Street frontage of the site. This is a good outcome as it negates the requirement for any vehicular access points on the primary street frontage.</p> <p>Any shutters to the garage entry, loading dock and waste rooms will be fitted behind the building façade and these will not be visible from any public places as these are sited at the rear of the building.</p>	<p>Yes</p>
<p><u>3.7 Pedestrian overpasses, underpasses and encroachments</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>3.8 Building exteriors</u></p>	<p>Artist impressions, perspective views and details of material/ finishes form part of Attachment 1.</p> <p>Most aspects discussed in Clause 3.8 have been dealt with in detail by the DRP as discussed in the relevant sections of the report.</p> <p>The lift overruns and services are integrated into the overall building design.</p> <p>The proposed building responds to the built form controls contained within the LEP and DCP. It is the first large scale development to occur</p>	<p>Yes</p>

<ul style="list-style-type: none"> External walls should be constructed of high quality and durable materials and finishes with 'selfcleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. <ul style="list-style-type: none"> To assist articulation and visual interest, avoid expanses of any single material. Limit opaque or blank walls for ground floor uses to 30% of the street frontage. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass. Highly reflective finishes and curtain wall glazing are not permitted above ground floor level A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge. Minor projections up to 450mm from building walls in accordance with those permitted by the BCA may extend into the public space providing it does not fall within the definition of GFA and there is a public benefit. The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building. 	<p>within this portion of Denison Street and will set the tone for future development in the locality. There are no obvious streetscape or heritage constraints. The development generally reflects the desired future character for the locality as outlined in the applicable planning controls and is supported by the design review panel.</p> <p>The proposal as amended is satisfactory to the DRP.</p> <p>A colour & material schedule has been provided. High quality and durable materials and finishes are proposed.</p> <p>Roof top structures/ plant/ services will be screened from view.</p> <p>A condition is recommended limiting material reflectivity.</p>	
<p><u>3.9 Advertising and signage</u></p>	<p>None proposed.</p>	<p>N/A</p>
<p><u>3.10 Views and view corridors</u></p> <ul style="list-style-type: none"> Existing views shown in Figure 3.12 are to be protected to an extent that is practical. Align buildings to maximise view corridors between buildings 	<p>The site is located inside the nominated distant panoramic view corridor identified in Figure 3.12 of the DCP. The proposed development provides generous side and rear setbacks and is well under the maximum allowable height, thereby maximising opportunities for views to be retained from nearby and distant sites.</p>	<p>Yes</p>

4 Access, parking and servicing		
<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 General</u>		

4.2 Pedestrian access and mobility

- Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.
- The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard and the Disability Discrimination Act 1992.
- The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.
- The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access.
- Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain.
- Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1, AS/NZS 2890.1:2004 and the DDA.

Pedestrian access is available from the 2 street frontages as required by Clause 7.13 of WLEP 2009. The primary frontage is however to Denison Street and this is readily identifiable.

Yes

The design of the facilities for disabled persons will be required to comply with the applicable provisions of the BCA and relevant standards.

There are numerous pedestrian entries on the ground floor of the development.

The finish of pedestrian pathways and the like can be dealt with by consent conditions.

4.3 Vehicular driveways and manoeuvring areas

- Driveways should be:
 - i) Provided from lanes and secondary streets rather than the primary street, wherever practical.
 - ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees.
 - iii) Located a minimum of 6m from the nearest intersection
 - iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.
- Vehicle access is to be designed to:
 - i) Minimise the impact on the street, site layout and the building façade design; and
 - ii) If located off a primary street frontage, integrated into the building design.
- All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn
- Driveway widths must comply with the relevant Australian Standards.
- Car space dimensions must comply with the relevant Australian Standards.

One vehicle access point is proposed from the Hercules Street frontage of the site which is effectively a secondary street/ service lane.

Appropriate driveway location being distant from nearby intersections; does not appear to conflict with any services in the road reserve.

Driveway width is acceptable and manoeuvring areas appear to comply with applicable controls.

The vehicular access design minimises impact on the street, site layout and the building façade design.

The rear loading area will be open and accessible from the driveway. The entry and exit, driveway widths, car space dimensions and vehicle ramp grades comply with the relevant standards.

There are seven (7) uncovered carparking spaces proposed on the Hercules Street frontage of the site adjacent to the road reserve; this is considered acceptable in this

Yes

<ul style="list-style-type: none"> • Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard • Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development. 	<p>instance given the short length of this arm of Hercules Street which will service only the subject site and the site to the south, which is currently used for informal car parking. All vehicles can turn on site and leave in a forward direction.</p>	
<p><u>4.4 On-site parking</u></p> <ul style="list-style-type: none"> ▪ On-site parking must meet the relevant Australian Standard • Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council. • Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking. • Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future. • On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP. • To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking. 	<p>Basement and at-grade parking provided. Sufficient car parking, motorcycle and bicycle parking is provided. Sufficient disabled persons' car parking is proposed</p>	<p>Yes</p>
<p><u>4.5 Site facilities and services</u></p> <p><i>Mail boxes</i> – provide in an accessible location adjacent to the main entrance; integrated into a wall where possible and be constructed of materials consistent with the appearance of the building. Letterboxes to be secure and of sufficient size.</p> <p><i>Communication structures, air conditioners and service vents</i> - locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures in an appropriate manner.</p> <p><i>Waste storage and collection</i></p> <p><i>Service docks and loading/unloading areas</i></p>	<p>The plans do not indicate the location of mail boxes however there are numerous appropriate locations.</p> <p>The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development.</p> <p>Adequate waste storage rooms will be located within the basement. On-site collection is proposed; there is sufficient manoeuvring area for servicing.</p> <p>Loading zone and dock proposed; sufficient size and adequate manoeuvring area provided. Dock area is to the rear of the building.</p>	<p>Yes</p>

- Provide adequate space within any new development for the loading and unloading of service/delivery vehicles.
- Preferably locate service access off rear lanes, side streets or rights of way.
- Screen all service doors and loading docks from street frontages and from active overlooking from existing developments.
- Design circulation and access in accordance with AS2890.1.

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.2 Energy efficiency and conservation</u>	An Environmentally Sustainable Design report was provided with the DA which demonstrates the building will comply with Section J of the BCA 2016 and is expected to achieve a 5 star NABERS Base Building Energy Rating.	Yes
<u>5.3 Water conservation</u>	Low water usage fittings to be used.	Yes
<u>5.4 Reflectivity</u>	Limit material reflectivity by consent condition.	Yes with conditions
<u>5.5 Wind mitigation</u> A wind impact statement required for buildings over 32m in height	A wind impact statement was not provided and is not required given the height of the building at 31m. The building is not expected to create uncomfortable wind conditions for pedestrians on the footpath	Yes
<u>5.6 Waste and recycling</u>	Waste management arrangements are satisfactory	Yes

8 Works in the public domain

The provision of footpath paving is required in compliance with the requirements of the Public Domain Technical Manual. Conditions of consent are recommended in relation to this matter.

PRECINCT PLAN – WOLLONGONG CITY CENTRE

The proposal is considered to be consistent with the objectives of the B4 Mixed Use zone within the City Centre precinct.

CHAPTER C1: ADVERTISING & SIGNAGE

There is no signage proposed.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The building has been appropriately designed with regard to disabled persons' access and facilities. The applicant submitted an access report with the DA which addresses the relevant provisions of the BCA and applicable standards including AS 1428.

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

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	No lighting shown. Lighting of the forecourt area and full frontage of the building is recommended for night time activation and to improve surveillance opportunities. No unreasonable light spill impacts are expected.	Yes, with conditions
<u>3.2 Natural surveillance and sightlines</u>	Opportunities for natural surveillance of the footpaths will be available.	Yes
<u>3.3 Signage</u>	Acceptable	Yes
<u>3.4 Building design</u>	The design is considered to adequately respond to CPTED principles. There are minimal concealment or entrapment opportunities evident on the plans.	Yes
<u>3.5 Landscaping</u>	Landscaping treatment will not result in any concealment opportunities in any unsecure places.	Yes
<u>3.6 Public open space and parks.</u>	N/A	N/A
<u>3.7 Community facilities and public amenities</u>	N/A	N/A
<u>3.8 Bus stops and taxi ranks</u>	N/A	N/A

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

Council's Traffic Engineer has considered the proposal and has provided a satisfactory referral subject to conditions.

Carparking

On the basis of the GFA of the building and applicable parking rates set out in Wollongong DCP 2009 there is sufficient parking for cars, motorcycles and bicycles provided within the site to service the building:-

- 193 car parking spaces (including 5 disabled car parking spaces)
- 8 motorcycle parking spaces
- 58 secure (Class B) employee bicycle spaces
- 16 visitor bicycle spaces (Class C)

Traffic Impacts

In terms of traffic management, it is noted that Denison Street will be upgraded in the future to provide a cycleway on the eastern side.

These future changes have been factored into the applicant's Traffic Impact Assessment (TIA). The results of the analysis indicate that the intersection of Hercules and Denison Streets will continue to operate at an acceptable level of service post development. With the increased traffic generated by the proposed development, the local road network performance will continue to operate at an acceptable level of service post development both in the existing and future 10 year projected scenarios.

Vehicular Access

Suitable arrangements have been provided for vehicular access and manoeuvring.

Waste Collection and Site Servicing

Appropriate waste management and servicing arrangements are proposed. A large waste storage room is proposed at the rear of the building adjacent to the loading dock and loading zone. The servicing and waste management arrangements proposed have been considered by the Traffic Section and are acceptable.

CHAPTER E6: LANDSCAPING

The proposal provides suitable landscaped areas adjacent to the northern undercroft terrace and on structure (L6 terrace areas).

Council's Landscape Officer has considered the proposal as satisfactory subject to conditions of any consent, including the need for a final landscape plan prior to release of the construction certificate and the developer provision of footpath paving in accordance with the Wollongong City Centre Public Domain Technical Manual.

CHAPTER E7: WASTE MANAGEMENT

An acceptable Site Waste Minimisation and Management Plan has been provided. Provision has been made for appropriate on-site storage and collection of waste.

CHAPTER E9: HOARDINGS AND CRANES

If the development were to be approved, conditions should be imposed requiring approval for the use of any hoardings or cranes in conjunction with construction of the building.

CHAPTER E11: HERITAGE CONSERVATION

Council's Heritage Officers consider the development will have minimal if any impact on any nearby heritage items; refer to discussion in Section 1.5.1 of the report.

CHAPTER E12: GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. The development was considered to be satisfactory subject to consent conditions.

CHAPTER E14: STORMWATER MANAGEMENT

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

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavation to facilitate the construction of basement carparking. Council's Geotechnical Engineer has considered the application and has provided a satisfactory referral subject to conditions.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The proposal is satisfactory with regard to Clause 7 of SEPP 55; refer to Section 2.1.1 of the report in this regard.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

Conditions are proposed in relation to demolition works, waste management, protection of excavations, handling and disposal of any hazardous building materials, appropriate monitoring and handling in relation to archaeology and the like.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

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