Attachment 5 - Wollongong Development Control Plan (DCP) 2009 Assessment

CHAPTER D13 – WOLLONGONG CITY CENTRE

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

2 Building form

Objectives/controls	*Comment*	*Compliance*
2.1 General		
2.2 Building to street alignment and street setbacks • 0m setback to street frontage height • 4m setback above street frontage height • Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible • Balconies may project up to 600 mm into front building setbacks, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, and measured at that level. Balconies are not permitted to encroach above the public road reserve. • The Commercial Core zone is subject to a requirement for corner properties to provide a 6m x 6m corner splay	Kembla Street: Ground floor min 3.8m Level 1: 2.8m to walls, fin walls project into this Levels 2-12 – 4m; 3.1m to minor awning projections Level 13 – 4m to balcony; approx 6.3m to wall of unit Stewart Street Ground floor: min 4.21m. Level 1: min 2.91m Level 2- 6: min 3.6m Level 7 – min 4.26m A corner splay is already provided to the intersection and the building is positioned clear of this splay.	**No**, a variation is sought which is discussed in Section 2.3.1 of the report and is supported in this instance
2.3 Street frontage heights in commercial core Street front height of between 12m and 24m is required	The building is setback from the street edge for its full height. A variation is therefore sought to the street frontage setbacks and street frontage height/alignment from the Ground Level to Level 6 inclusive. The form proposed in terms of street setbacks and lack of street frontage height was supported by the DRP as it is appropriate for the context with regard to the character of nearby buildings.	**No**, a variation is sought which is discussed in Section 2.3.1 of the report and is supported in this instance
2.4 Building depth and bulk • 900m² maximum floor plate above 24m in height	The depth of the building measured across the shortest axis, being	**No** but considered satisfactory

Objectives/controls	*Comment*	*Compliance*
• Maximum 18m building depth above 24m in height	north-south, exceeds 18m for some sections above street frontage height (24m) as identified in Figure 6/ Section 2.3.1 of the report. This is in part a direct result of the size and width of the allotment which allows a wider building to be achieved with generally compliant ADG setbacks and compliant FSR. Despite the slightly wider form in places, the building is generally satisfactory with regard to internal amenity, solar access, cross ventilation, building setbacks and built form/ massing. As noted within the body of the report, the proposal as revised is acceptable to the DRP.	
<u>2.5 Side and rear building setbacks and building separation</u> *Up to street frontage height* – 0m to side and rear	0m required to the east and north up to the street frontage height (ie for that part of the building from Ground level to 12-24m in height). Increased setback proposed for the full height of the building.	**No**, variation discussed in the body of the report
Between street frontage height and 45m - 12m to side and rear	A 12m setback is also required between Level 7 of the building and the IMB building, which is not met, with a setback of at least 10.6m provided. Justification for the variation has been provided within the Clause 4.6 submission appended at **Attachment 4** and discussed at length in Section 2.1.5 of this report.	
<u>2.6 Mixed used buildings</u>		Yes
a) Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor. b) Minimum floor to ceiling heights are 3.3m for commercial office and 3.6 metres for active public uses, such as retail and restaurants in the B3 Commercial Core zone. c) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook. d) Locate clearly demarcated residential entries directly from the public street. e) Clearly separate and distinguish commercial and residential entries and vertical circulation.	Complies with all requirements	

Objectives/controls	*Comment*	*Compliance*
f) Provide security access controls to all entrances into private areas, including car parks and internal courtyards. g) Provide safe pedestrian routes through the site, where required. h) Front buildings onto major streets with active uses. i) Avoid the use of blank building walls at the ground level. j) For mixed use buildings that include food and drink premises, the location of kitchen ventilation systems shall be indicated on plans and situated to avoid amenity impacts to residents.		
2.7 Deep soil zone (DSZ) • For residential components in mixed use developments in the Commercial Core the amount of deep soil zone may be reduced commensurate with the extent of non-residential uses. Where non-residential components result in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.8 and 2.9. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.	Substantial landscaping is provided on structure which is acceptable in the B3 zone where buildings are expected to be constructed to boundaries.	**No** but acceptable given B3 zoning of the site
2.8 Landscape design	Landscape plans provided which provide for planting on the roof/ podium terraces, adjacent to the eastern side boundary and the public domain. Council's Landscape Officer has reviewed the proposed podium planting and has provided a satisfactory referral.	Yes
2.9 Green roofs, green walls and planting on structures	Planting on structure proposed. Some details provided on the landscape plan. Most details can be conditioned if consent were granted.	Yes with conditions
2.10 Sun access planes	The proposal will not cast shadows on any areas subject to the sun access planes	Yes
2.11 Development on classified roads	N/A	N/A

3 Pedestrian amenity

Objectives/controls	*Comment*	*Compliance*
3.1 General		
3.2 Permeability	No identified site links affect the site. The existing through-block link is further east between the WCC and government building.	N/A
3.3 Active street frontages		Yes
• Active frontage uses are defined as one or a combination of the following at street level: Entrance to retail. Shop front. Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage. Café or restaurant if accompanied by an entry from the street. Active office uses, such as reception, if visible from the street. • 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.	Development provides for good activation of the two street frontages. The ground floor contains retail/ commercial uses with glazed facades. The primary entries are well defined. The plans provide for an appropriate transition into the site from the public footpath. The west-facing balconies and habitable room windows overlook and address Kembla Street, providing for some passive surveillance of the street in addition to that provided from the ground floor retail spaces. Similarly the south-facing balconies and habitable room windows overlook and address Stewart Street. The retail spaces fronting Kembla Street are accessible directly from the street; while the retail spaces fronting Stewart Street are accessed via stairs or a platform lift from the street which was considered to be a reasonable outcome by the DRP (noting the floor level requirements for flood mitigation reasons).	
3.4 Safety and security		
• 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.	Surveillance will be available from balconies and residential living areas and retail spaces to the street frontage. Design responds appropriately to CPTED principles; refer to Chapter E2 assessment. Entries are visually prominent and readily identifiable; pathways are reasonably legible.	Yes

Such lighting should be on a timer or movement detector to reduce energy consumption and glare nuisance. • Provide clear lines of sight and well-lit routes throughout the development. • Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. • For large scale retail and commercial development with a GFA of over 5,000m², provide a 'safety by design' assessment in accordance with the CPTED principles. • Provide security access controls where appropriate. • Ensure building entrance(s) including pathways, lanes and arcades for larger scale retail and commercial developments are directed to signalised intersections rather than mid-block in the Commercial zone.	Access controls are to be employed to ensure the security of the residential units.	
3.5 Awnings	Awnings not proposed – refer to discussion in the body of the assessment report.	**No**, refer to discussion within the body of the report
3.6 Vehicular footpath crossings		
• 1 vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted • Double lane crossing with a maximum width of 5.4 metres may be permitted • Doors to vehicle access points are to be roller shutters or tilting doors fitted behind the building façade. • Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Single access point proposed on each of the street frontages; driveway width is satisfactory. The driveway accessing the commercial car parking and loading zone will be shared with the neighbouring building to the north which is an efficient use of space and minimises conflicts with pedestrians and the nearby intersections. Shutter will be fitted behind the building façade as required. Conditions are recommended for imposition in regards to the finish of the vehicle entry.	Yes with conditions
3.7 Pedestrian overpasses, underpasses and encroachments	N/A	N/A
3.8 Building exteriors		
• Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of appropriate alignment and street frontage heights; setbacks above street frontage heights; appropriate materials	The development reflects the desired future character for the locality as outlined in the applicable planning controls, with some exceptions to controls including street setbacks which are sought to be varied on the basis of the specific streetscape character in	Yes

and finishes selection; façade proportions including horizontal or vertical emphasis; • Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged. ▪ Articulate facades so that they address the street and add visual interest. • External walls should be constructed of high quality and durable materials and finishes with 'selfcleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. • Finishes with high maintenance costs, those susceptible to degradation or corrosion from a coastal or industrial environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided. ▪ To assist articulation and visual interest, avoid expanses of any single material. ▪ Limit opaque or blank walls for ground floor uses to 30% of the street frontage. ▪ Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass. • Highly reflective finishes and curtain wall glazing are not permitted above ground floor level • A materials sample board and schedule is required to be submitted with applications for development over $1 million or for that part of any development built to the street edge. • Minor projections up to 450mm from building walls in accordance with those permitted by the BCA may extend into the public space providing it does not fall within the definition of GFA and there is a public benefit. • The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.	this locality where buildings are typically set back further from the street and side boundaries and do not feature a podium/ street frontage height. The proposal is satisfactory to the DRP; refer to discussion within the body of the report and DRP notes attached. Balconies are provided to all units; overlooking/ surveillance of the street will be available. The internal visual and acoustic privacy of units will be acceptable. A colour & material schedule has been provided. Finishes and colours proposed are generally reasonable. Conditions are recommended limiting material reflectivity. The lift overrun will not be concealed within the roof however is setback well from the edges of the building and will not be readily apparent in most views. Plant rooms are integrated into the overall architecture of the building.	
<u>3.9 Advertising and signage</u>	No signage proposed	N/A
<u>3.10 Views and view corridors</u> • Existing views shown in Figure 3.12 are to be protected to an extent that is practical. • Align buildings to maximise view corridors between buildings	The site is located outside of the nominated distant panoramic view corridor identified in Figure 3.12 of the DCP.	Yes

	The scale and bulk of the building measured in terms of height and FSR is consistent with applicable controls and on this basis is considered to be acceptable with regard to the city skyline.	

4 Access, parking and servicing

Objectives/controls	*Comment*	*Compliance*
4.1 General		
4.2 Pedestrian access and mobility		
• Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity. • The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard and the Disability Discrimination Act 1992. • The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor. • The development must provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access. • Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain. • Building entrance levels and footpaths must comply with the longitudinal and cross grades specified in AS 1428.1, AS/NZS 2890.1:2004 and the DDA.	Pedestrian access is available from the street frontages to the retail and residential entries. The main entry points to the building are readily identifiable and are enhanced by architectural features including awnings Car parking for the adaptable units is provided within the basement car parking levels, with access throughout the building available via the lifts. The finish of pedestrian pathways and the like can be dealt with by consent conditions if the development is approved.	Yes
4.3 Vehicular driveways and manoeuvring areas		Yes
• Driveways should be: i) Provided from lanes and secondary streets rather than the primary street, wherever practical. ii) Located taking into account any services within the road reserve, such as power poles, drainage pits and existing street trees. iii) Located a minimum of 6m from the nearest intersection iv) If adjacent to a residential development setback a minimum of 1.5m from the relevant side property boundary.	Driveway width, placement and alignment is satisfactory. Vehicular access and manoeuvring is acceptable; compliance with AS2890.1 is achieved.	

• Vehicle access is to be designed to: i) Minimise the impact on the street, site layout and the building façade design; and ii) If located off a primary street frontage, integrated into the building design. • All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn • Driveway widths must comply with the relevant Australian Standards. • Car space dimensions must comply with the relevant Australian Standards. • Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard • Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.		
<u>4.4 On-site parking</u>		
▪ On-site parking must meet the relevant Australian Standard • Council may require the provision of a supporting geotechnical report prepared by an appropriately qualified professional as information to accompany a development application to Council. • Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking. • Any car parking provided in a building above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future. • On-site vehicle, motorcycle and bicycle parking is to be provided in accordance with Part E of this DCP. • To accommodate people with disabilities, minimum of 1% of the required parking spaces to be provided as disabled persons' car parking.	Basement parking provided. Sufficient car parking, motorcycle and bicycle parking is provided; refer to discussion in relation to Chapter E3. Council's Traffic Engineer has provided a satisfactory referral.	Yes
<u>4.5 Site facilities and services</u>		
Utility Services	The building is serviced by the major utilities and some augmentation of existing services is expected to be required to facilitate the development. The development will utilise the substation being provided within the neighbouring IMB building; the development is acceptable to Endeavour Energy. Conditions of	Yes

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

5 Environmental management

Objectives/controls	*Comment*	*Compliance*
5.2 Energy efficiency and conservation	BASIX certificates submitted indicate the BASIX targets are satisfied by the residential units. Compliant cross-ventilation and solar access will improve energy efficiency.	Yes

5.3 Water conservation	BASIX certificates submitted indicate the BASIX targets are satisfied by the residential units	Yes
5.4 Reflectivity	Conditions are recommended in regards to material reflectivity	Yes with conditions
5.5 Wind mitigation	A wind impact statement was not required.	N/A
5.6 Waste and recycling	Waste management arrangements are satisfactory.	Yes

6 Residential development standards

Refer to SEPP 65 and ADG assessment.

Objectives/controls	*Comment*	*Compliance*
6.2 Housing choice and mix • Min 10% studio/ 1 BR units and 10% 3 BR units • Min 10% (2 dwellings) must be adaptable • Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces.	21 x 1 bed 59 x 2 bed 22 x 3 bed 16 adaptable and 11 livable dwellings provided Appropriate carparking provided to support the adaptable units	Yes
6.6 Basement Car parks • The scale and siting of the basement car park must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements. • The roof any of basement podium, measured to the top of any solid wall located on the podium must not be greater than 1.2 metres above natural or finished ground level. • The visual impact of all basement walls must be minimised through the use of various design techniques including well-proportioned ground level articulation and relief, mixed finished and materials, terracing and/or dense landscaping. • Where parking is provided in a basement, ventilation structures for the basement parking and air conditioning units must be orientated away from windows of habitable rooms and private open space areas. Ventilation grills must be integrated into the design of the façade of the building to minimise their visual impact. • The visual impact of all basement walls must be minimised through the use of various design techniques including well proportioned ground level articulation and relief, mixed finishes and materials, terracing and/or dense landscaping.	Acceptable. Complies Complies Basement ventilation is adequate	Yes

7 Planning controls for special areas

The site is not located within a nominated special area.

8 Works in the public domain

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

CHAPTER A2: ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

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

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

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

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

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

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

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

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

CHAPTER E6: LANDSCAPING

Landscape plans were provided with the development application which has been reviewed by Council's Landscape Officer and as part of the DRP's review of the development. The landscaping plan is acceptable and provides for landscaping of the roof terrace areas, adjacent to the eastern side boundary and public domain works on the two street frontages.

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

CHAPTER E7: WASTE MANAGEMENT

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

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

CHAPTER E9: HOARDINGS AND CRANES

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

CHAPTER E12: GEOTECHNICAL ASSESSMENT

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

CHAPTER E13: FLOODING MANAGEMENT

The application has been reviewed by Council's Stormwater Engineer in relation to flooding and the development is considered to be satisfactory with regard to the requirements of Chapter E13. Appropriate conditions have been recommended for imposition if the application is approved.

CHAPTER E14: STORMWATER MANAGEMENT

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

CHAPTER E17: TREE PRESERVATION

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

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

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

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The proposal is satisfactory with regard to Clause 7 of SEPP 55; refer to Section 2.1.1 of the report in this regard. The development application was accompanied by a site investigation. The site will be need to be validated prior to construction of the development.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

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

Demolition of all structures on Lot 502 was approved under DA-2017/1462; this included the demolition of the former DMR building and the removal of vegetation within that site.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

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