

ATTACHMENT 9 – WDCP 2009 compliance

Relevant provisions of Wollongong Development Control Plan 2009 are addressed below. Chapter D13 Wollongong City Centre takes precedence where inconsistent with other Chapters.

CHAPTER D13 – WOLLONGONG CITY CENTRE

2 Building form

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
<u>2.2 Building to street alignment and street setbacks</u>	Nil setback required. Nil provided both Keira and Kenny Streets.	Yes
<u>2.3 Street frontage heights in commercial core</u>	Minimum 12 and maximum 24m street frontage height required, subject to compliance with clause 2.10. Street frontage height 22.5m both Keira and Kenny Streets.	Yes
<u>2.4 Building depth and bulk</u>	The Kenny Street tower does comply with <ul style="list-style-type: none"> maximum floorplate size 900m² above 24m all points in office floor no more than 10m from source of daylight The development does not comply with maximum depth 18m above street frontage height (26.8m)	No
<u>2.5 Side and rear building setbacks and building separation</u>	The towers do not comply with required setbacks: <ul style="list-style-type: none"> nil side and rear up to street frontage height i.e. Level 5 [nil-11m side setback southern boundary where nil required; 6m-13m side setback northern boundary where nil required] Does not comply habitable rooms between street frontage heights and 45m - 12m side and rear setback [minimum 9m northern side setback where 12m required; minimum 1m southern side setback where 12m required]. Does not comply all uses (including non-habitable residential) between street frontage height and 45m - 6m side and rear setback [n/a northern side; 6m southern side where minimum 6m required]. Complies. all uses above 45m - 14m side and rear setback [applies to Level 14: 11m northern side where 14m required; 6m southern side where 14m required]. Does not comply 	No

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
<u>2.6 Mixed used buildings</u>	Ground floor contains retail, café and office tenancies. Rest of building is residential apartments. Minimum floor height ground floor is 3.35m.	Yes
<u>2.7 Deep soil zone</u>	The ground floor plan indicates a 'deep soil zone' equating to 7% of the site area is provided on the northern boundary. However, this is located in a drainage easement which contains stormwater infrastructure at a depth of approximately 1.3m. The landscape plan does not identify any areas as being deep soil zone.	No
<u>2.8 Landscape design</u>	Landscape plan provided. There is no existing vegetation.	Yes
<u>2.9 Green roofs, green walls and planting on structures</u>	Green walls are proposed on the northern boundary of the through site link. It is unclear whether they are attached to the adjoining industrial buildings or are freestanding structures. The majority of proposed landscaping is on structure. Landscape planting details are provided.	Yes
<u>2.10 Sun access planes</u>	Council's strategic planner has confirmed the proposal complies with the control.	Yes
3 Pedestrian amenity		
<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
<u>3.2 Permeability</u>	Figure 3.1 identifies 23 Kenny and 268 Keira Street as the location of a future through-site pedestrian link. Whilst the application as originally lodged referred to the northern boundary providing a through site link, the applicant has confirmed a voluntary planning agreement will not be entered into. It is therefore unclear whether the intent of the 'laneway' is to provide a public thoroughfare in keeping with Council's strategic objectives expressed in Figure 1 and clause 3.2. Without a formal dedication to Council or VPA, public access is not assured. Further, the 'laneway' incorporates a right of way and parking easement benefiting the northern adjoining land (21 Kenny Street) (refer sheet A121 C). It is unclear how the proposed shop top housing tenants and residents will share this space in such a way as to maintain the legal rights of 21 Kenny Street or be dissuaded from using this space (if necessary).	No
<u>3.3 Active street frontages</u>	The ground level incorporates retail and café space at Keira Street frontage, and office space at Kenny Street. Keira Street is reasonably activated by the stairs and ramp from Keira Street and outdoor terrace area, despite the elevated floor level. Kenny Street, however, is less successful with approximately half of the building width incorporating fire stairs and a substation. The Kenny Street elevation offers an entrance only to the office tenancy, and not the building proper. Council's strategic planner has recommended the stairs are given more space to create an improved threshold between the street and building.	No

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
<u>3.4 Safety and security</u>	Casual surveillance of pedestrian pathways from the street is provided. Security access controls are able to be installed at lobbies, lifts, waste rooms and in parking areas. The residential lobby entries are not particularly legible from Keira or Kenny Streets.	Yes
<u>3.5 Awnings</u>	The floor plans don't indicate awnings on Keira or Kenny Street, however the elevations show that the Kenny Street elevation has an awning. Awnings are required on both streets in accordance with Figure 3.6.	No
<u>3.6 Vehicular footpath crossings</u>	One vehicle entry point is provided on Keira and Kenny Streets and each are approximately 5.5m wide. The owner of 21 Kenny Street which benefits from the right of way and easement for parking on 264 Keira Street suggests that minimum 6.1m driveway width is required having regard to the new Kenny Street driveway location.	Yes
<u>3.8 Building exteriors</u>	External finishes are appropriately robust. The street frontage height of Keira Street is considered too high with regard to the height limit for that part of the site and surrounding development. Balconies and communal open space are provided overlooking MacCabe Park. Lift overruns are incorporated into the overall architecture of the building.	No
<u>3.10 Views and view corridors</u>	The site is not included in Figure 3.12 as a view to be protected.	Yes

4 Access, parking and servicing

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
<u>4.2 Pedestrian access and mobility</u>	Barrier-free access is provided to both Kenny and Keira Streets, via 1:14 and 1:20 access ramps.	Yes
<u>4.3 Vehicular driveways and manoeuvring areas</u>	Council's traffic engineer has requested amended plans showing a turning bay at the proposed basement roller door to facilitate manoeuvring, should visitor spaces be occupied.	No
<u>4.4 On-site parking</u>	A shortfall of 3 non-residential parking spaces and surplus of 16 residential spaces is proposed.	No
<u>4.5 Site facilities and services</u>	Mailbox locations are shown on the ground floor plan for each tower. Separate residential and commercial waste rooms are proposed. Waste collection is via the loading bay at ground level. Waste collection has not been designed for a 10.24m waste vehicle. An internal substation on the Kenny Street elevation is proposed.	No

5 Environmental management

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
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<u>5.2 Energy efficiency and conservation</u>	A BASIX certificate has been provided.	Yes
<u>5.3 Water conservation</u>	A BASIX certificate has been provided.	Yes
<u>5.4 Reflectivity</u>	Proposed materials are not expected to create excessive reflectivity.	Yes
<u>5.5 Wind mitigation</u>	A wind effects report has been provided.	Yes
<u>5.6 Waste and recycling</u>	Separate commercial and residential waste storage rooms are provided on the ground floor. Bin store rooms are not visible from the street. Collection would occur at ground level.	Yes

6 Residential development standards

<i>Objectives/controls</i>	<i>Comment</i>	<i>Complies?</i>
<u>6.1 SEPP 65</u>	Refer Attachment 8	No
<u>6.2 Housing choice and mix</u>	A mix of 1, 2 3 and 3+ bedroom apartments are provided. No less than 10% of apartments have 1, 3 and 3+ bedrooms. 11 apartments are designed at silver level liveable housing level. Certification by an access consultant of has been provided. All adaptable apartments have minimum one disabled parking space.	Yes
<u>6.6 Basement Carparks</u>	Basement levels extend to the south, east and west boundaries. A pump is shown on basement level 1 to dispose of stormwater should it enter the basement.	Yes
<u>6.7 Communal open space</u>	Communal open space is provided on Level 1 and Level 6. The total amount of COS is 777m ² , which exceeds 5m ² per apartment requirement. The COS on Level 6 is expected to receive minimum 3 hours sunlight 9am-3pm midwinter.	Yes
<u>6.8 Private open space</u>	All apartments are provided with POS in the form of a balcony. Not all balconies achieve minimum 12m ² required.	No
<u>6.9 Overshadowing</u>	Shadow diagrams have been provided. Adjoining buildings are not residential.	N/a
<u>6.10 Solar access</u>	80% of apartments receive 3 hours sunlight 9am-3pm midwinter.	Yes
<u>6.11 Natural ventilation</u>	63% of apartments are cross ventilated.	Yes
<u>6.12 Visual privacy</u>	Some potential areas of privacy conflict e.g. Level 1 where COS and POS are in close proximity.	No
<u>6.13 Acoustic Privacy</u>	The acoustic report recommends 38mm laminated glazing in order to achieve required internal noise levels.	Yes
<u>6.14 Storage</u>	Basement storage is provided.	Yes

7 Planning controls for special areas

The site is not located within a special area.

<u>7.4 Special area design guidelines</u>	The development complies with the sun access diagrams in Figure 2.17.	Yes
<u>7.5 Design excellence</u>	Refer WLEP 2009	N/a
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<u>8 Works in the public domain</u>	Footpath public domain works including planting of street trees on both Keira and Kenny Streets are proposed.	Yes
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CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies ?</i>
<u>4.7 Solar Access</u>	Properties directly south of the site for a distance of approximately 80m will not receive minimum required 3 hours sunlight 9am-3pm in midwinter. Sheet A005 H indicates there is one residential dwelling within these affected properties.	No
<u>4.8 Building Character and Form</u>	Council's strategic planner has questioned the appropriateness of the 24m street frontage height, particularly on Keira Street where 24m is the maximum building height. The proposed street frontage height and depth of the podium extending though to both streets contributes to the building bulk. The proposed building height is a response to maximum permitted height controls and is at the limit of those controls. Non-complying side setbacks are proposed.	No
<u>4.14 Services</u>	Utility connection requires approval from utility providers. An internal substation is proposed on Kenny Street frontage.	Yes
<u>4.16 View sharing</u>	View corridors are shown on sheet A005 H but are not accompanied by analysis of view impact, particularly having regard to non-complying setbacks.	No

6 Residential flat buildings

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies?</i>
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<u>6.7 Acoustic privacy</u>	A revised 'Acoustic Report' by JHA Services dated 26 September 2019 has been provided.	Yes
<u>6.10 Access Requirements</u>	A 'Statement of Compliance Access for People with a Disability' by Accessible Building Solutions has been lodged.	Yes
<u>6.15 Adaptable Housing</u>	Access to the ground floor is available via a ramp. 11 x silver level liveable housing apartments are proposed.	Yes
<u>6.16 Access for People with a Disability</u>	Level entry is available to the ground floor. All communal open space is accessible via lift.	Yes
<u>6.17 Apartment Size and Layout Mix for Larger Residential Flat Building Developments</u>	A mix of apartment sizes and number of bedrooms is provided.	Yes

CHAPTER B4: DEVELOPMENT IN BUSINESS ZONES

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies?</i>
<u>9.2.1 Floor configuration</u>	Lot width to depth ratio of retail tenancies is in the recommended range.	Yes
<u>9.2.2 Building appearance</u>	The base, middle and top of the Keira Street tower are not adequately expressed, having regard to the proposed street frontage height. The balance of horizontal and vertical proportions does not maintain that of other existing buildings in the locality.	No
<u>9.2.3 Building alignment</u>	Ground floor is for business and retail use primarily. The residential floor area is limited to residential lift lobbies.	Yes
<u>9.2.4 Active street frontages</u>	Windows do make up 50% of ground floor front wall. All street frontage windows at ground level have clear glazing. Display windows with clear glazing have maximum sill height 0.7m above finished ground level.	Yes
<u>9.2.5 Urban design /streetscape appearance</u>	Proposed external finishes are not highly reflective.	Yes
<u>9.2.6 Pedestrian access</u>	The extent to which the public may access the through site link is unclear. If the northern landscape area is considered a public through site link, it complies with minimum 3m width and is activated by the podium retail and office and residential lobbies.	No
<u>9.2.7 Awnings</u>	The elevations suggest a ground floor awning extends over the public footpath in Kenny Street, however no details are provided on the floor plan. No awning is provided on the Keira Street frontage. This omission does not comply with the requirement for awnings on each frontage.	No
<u>9.2.15 Land consolidation</u>	Consolidation of all four allotments is proposed	Yes

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

A 'Statement of Compliance Access for People with a Disability' report prepared by Accessible Building Solutions has been provided. The report concludes that the development either complies or is capable of complying with all requirements of the Building Code of Australia Part D3.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Complies</i>
<u>3.1 Lighting</u>	No details of lighting provided – details generally provided at Construction Certificate stage.	Yes
<u>3.2 Natural surveillance and sightlines</u>	Surveillance is possible by residents overlooking Keira and Kenny Streets and the through site link.	Yes
<u>3.3 Signage</u>	No signage proposed, but will be required to manage Right Of Way and parking easement area benefiting 21 Kenny Street.	N/a
<u>3.4 Building design</u>	Satisfactory placement of lobbies and entries to residential and non-residential tenancies. Separate secure parking areas in basement parking levels. Separate residential and non-residential waste rooms.	Yes
<u>3.5 Landscaping</u>	Landscaping at ground level is limited and located on the northern boundary. No adverse surveillance or concealment outcomes are expected.	Yes
<u>3.6 Public open space and parks.</u>	Unclear if the intent of the through site link is that it remains accessible by the public.	No

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

The SEPP 65 Apartment Design Guide specifies that parking for the development shall be at the lower rate of RMS Guide to Traffic Generating Development and Council's WDCP 2009. The RMS is the lower rate. Non-residential floor area is calculated according to Council's WDCP 2009.

The following parking is required:

- Residential
 - 0.6 spaces per 1 bedroom unit: 40 units = 24 spaces [24]
 - 0.9 spaces per 2 bedroom unit: 54 units = 48.6 spaces [49]
 - 1.4 spaces per 3+ bedroom units: 15 units = 21 spaces [21]
 - 1 visitor space per 5 units: 109 units = 21.8 spaces [22]
 - **Total residential = 94 resident spaces + 22 visitor spaces**
- Non-residential
 - Office 1 space per 40m²: 238m² = 5.95 spaces [6]
 - Retail 1 space per 60m²: 149m² = 2.48 spaces [3]
 - Café 1 space per 60m²: 111m² = 1.85 spaces [2]
 - **Total non-residential = 11 spaces**

Plan A002 indicates the applicant has calculated the required number of non-residential spaces as eight, and eight are provided. As noted above, Wollongong DCP 2009 Chapter E3 requires 11 non-

residential spaces. Based on the plans provided, the development has a shortfall of 3 non-residential parking spaces.

The total number of resident spaces provided is 110, where 94 are required. This surplus of 16 car parking spaces contributes to gross floor area, which is discussed in relation to WLEP 2009.

Traffic Impact and Parking Demand

A traffic impact assessment has been provided.

Vehicular access

Council's traffic engineer has advised the applicant that the location of the basement roller door must not restrict manoeuvring. A vehicle turning bay is required to be provided if visitor spaces are occupied. This remains outstanding.

Loading / unloading facilities and service vehicle manoeuvring

Waste is proposed to be collected at ground level, via the loading bay.

Council's traffic engineer has requested the development be designed for a 10.24m waste collection vehicle. This remains outstanding.

Pedestrian access

The proposal is satisfactory regarding pedestrian access into the site.

Safety & security (Crime Prevention through Environmental Design) measures for car parking areas

The proposal is satisfactory regarding the principles of CPTED.

CHAPTER E6: LANDSCAPING

Landscaping plans by Site Image Landscape Architects have been provided.

Landscaping is proposed at:

- Ground level above the drainage easement,
- Level 1 southern side
- Levels 1, 3 and 5 in residential balcony planter boxes facing Keira Street
- Level 6 in main communal open space area

The application proposes planting of street trees in both Keira and Kenny Streets as part of public domain works.

Council's landscape officer has noted that Level 1 landscaped communal areas are likely to be in frequent shadow.

CHAPTER E7: WASTE MANAGEMENT

Demolition is proposed. Appropriate measures for disposal of hazardous materials and soil classification prior to removal off-site are required.

A Site Waste Minimisation and Management Plan has been provided.

CHAPTER E11 HERITAGE CONSERVATION

The Keira Street frontage is located opposite MacCabe Park, which contains three items of local heritage significance as identified in WLEP 2009. A statement of heritage impact and archaeological report has been provided. Council's heritage and recreation officers have concerns regarding overshadowing of MacCabe Park.

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. They have no objection, subject to recommended conditions.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The land is identified as being within a medium and high flood risk precinct. Council's stormwater engineer is satisfied there will be no reduction in floodplain storage as a result of the development.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be directed to Council's existing stormwater system, via a subfloor flood conveyance area. Council's stormwater engineer has no objection and recommended conditions.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

Water sensitive urban design information has been provided (refer Adams Engineering plans). Council's environmental officer has recommended treatment devices to achieve Council's stormwater objectives.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The land does not currently contain trees.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Excavation for three basement levels is proposed. Council's geotechnical engineer has no objection, subject to recommended conditions.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Demolition of all existing structures, bitumen and driveways is proposed. A demolition plan (sheet A701H) has been provided.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

A construction plan (sheet A702H) has been provided and shows location of proposed sediment and erosion control measures.