

Wollongong Local Planning Panel Assessment Report | 16 November 2021

WLPP No.	Item No. 1
DA No.	DA-2021/809
Proposal	Alterations and additions to building to use as self-storage units
Property	3 Ralph Black Drive, NORTH WOLLONGONG NSW 2500
Applicant	MMJ Wollongong
Responsible Team	Development Assessment & Certification – City Centre Team (VD)
Prior WLPP meeting	Nil

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the WLPP for **determination** pursuant clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2, 4 (b) and 3 of the Local Planning Panels Direction of 30 June 2020, the proposal seeks a departure from the floor space ratio standard of 92%. The addition FSR is totally contained within the existing structure.

Proposal

The proposal seeks approval alterations and additions to the existing industrial building for the use of the building as self-storage units.

Permissibility

The proposed alterations to the building for use as self-storage units are a permissible use in the IN2 Light Industrial Zone.

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan 2019 and no submissions were received.

Council's Building, Traffic, Environment and Stormwater Officers have reviewed the application and provided satisfactory referral comments

Main Issues

The main issue identified during the assessment process include:

- Clause 4.6 Variation for floor space ratio

RECOMMENDATION

Development Application DA-2021/809 be approved subject to draft conditions found in Attachment 7.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP Coastal Management

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2020
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the alterations and additions and use of an existing industrial building as a self storage facility. A full set of architectural plans are found in Attachment 4 and the key works involved include:

- Demolition of existing amenities within Units 1 - 3 and 5
- Upgrade existing amenities within Unit 4
- Addition of new flood doors
- Addition of infill panels to existing openings
- Demolition of the existing access to the mezzanine
- Addition of new stairs to the mezzanine
- Addition of a lift to the mezzanine
- Addition of an awning on the western elevation
- New security fencing with vehicle and pedestrian gate
- New bin area with blockwork screening.
- Extension of the existing mezzanine to the entire level for the use as self-storage units.

The proposed hours of operation are listed below:

Core business hours (Customers and staff will be able to access the facility freely during core business hours. The gates will remain open during this time)

Monday to Friday - 7.30am to 5.30pm

Saturday - 8.00am to 4.00pm

Sunday and Public Holidays -10.00am to 4.00pm

Customers under contract via a pin coded entry (Access outside core business hours will only be available to customers under contract via a pin coded entry)

Monday to Friday - 6:00am to 10:00pm

Saturdays, Sundays & Public Holidays - 7:00am to 8:00pm

Vehicle swept paths have been provided to Council demonstrating that SRV (6.4m) and MRV (8.8m) can manoeuvre to the loading bay to collect waste from the bin storage areas. The gates are proposed to remain open during core business hours to allow for access. Existing vehicle crossovers are located on Ralph Black Drive with existing parking provided. Existing landscaping is provided throughout the site along the boundary with Ralph Black Drive.

External upgrade to the façade of the building is also proposed including painting and a new awning. No signage is proposed with this application.

1.3 BACKGROUND

The following historic applications apply to this property:

DA-1981/199 31 Lots

DA-1985/621 4 Factories & Warehouse Units

DA-1986/776 Units 1-3 - Gymnasium & Fitness Centre

DA-1987/201 Use of Bay 1 for Panel Beaters

DA-1988/970 Vehicle Repair Shop

DA-1989/355 Detailing Motor Vehicles, Storing & Selling Damaged Vehicles

DA-1998/711 Mechanical Workshop

DA-2013/1270 Recreation Facility (indoor) indoor sports coaching clinic

1.4 SITE DESCRIPTION

The site is located at 3 Ralph Black Drive, North Wollongong and is described as Lot 17 DP 263884. The site is situated on a corner with a frontage of 63m to Montague Street and a frontage of 46m to Ralph Black Drive. The site currently accommodates an industrial building split into five separate workshops previously used for industrial and indoor recreational uses. The site has established access, parking and landscaping.

The site has an area of 1877sqm and is irregular in shape and relatively flat. Access to the site is via existing crossovers on Ralph Black Drive. Existing parking on site is proposed to remain. There are no trees proposed to be removed as part of this application.

The site is adjoined by industrial premises of single and two storey industrial building. Photos of the site are found in Attachment 3.

Property constraints

The following constraints apply to the site:

- Flooding- uncategorised flood risk precinct
- Acid Sulfate soils class 4
- Potentially Contaminated land
- Filled Land

1.5 SUBMISSIONS

Details of the proposal were notified in accordance with Council's Community Participation Plan. No submissions were received.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Building Division: Satisfactory, conditions provided. The application has been assessed in accordance with the *Environmental Planning and Assessment Regulation 2000*, refer to Section 2.6 of this report.

Stormwater Division: A referral has been completed and conditions provided.

Traffic Division: Council's Traffic Officer requested further information regarding swept paths for waste collection vehicles. This has been submitted and is considered to be satisfactory. Conditions have been provided.

Environment Division: Satisfactory, conditions provided in relation to waste, noise and hours of operation.

1.6.2 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

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

Further site investigations or remediation works are not required as part of this application. There are no earthworks proposed with this application as the existing structure/ground floor of the building and the existing car park area is to remain.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Under this SEPP, the site is mapped as Coastal environment, coastal use and a small corner of the northern portion of the site is mapped proximity area to coastal wetlands. There is no work within this area.

Clause 13 Development on land within the Coastal Environment Area

The site is identified as being located within the coastal environment area. The proposal has been assessed against the requirements of this Clause, and the proposal is not considered likely to have an adverse impact on the biophysical, hydrological or ecological environments, natural coastal processes, water quality, or marine and terrestrial habitats.

Clause 14 Development on land within the Coastal Use Area

The site is identified as being located within the coastal use area. The proposal has been assessed against the requirements of this Clause, and the proposal is not considered likely to have an adverse impact on the biophysical, hydrological or ecological environments, natural coastal processes, water quality, public open space, Aboriginal cultural heritage, cultural and built environment heritage, or the use of the surf zone.

Clause 15 Development in coastal zone generally – development not to increase risk of coastal hazards

The proposed development is considered minor in nature and appropriate for the site, and therefore unlikely to increase the risk of coastal hazards on the site or surrounding area.

Clause 16 Development in coastal zone generally – coastal management programs to be considered

Wollongong Coastal Zone Management Plan

A review of Council's associated CZMP mapping identifies that the site is not impacted by coastal geotechnical risk, ocean inundation or reduced foundation capacity. Minimal adverse impact on the coastal environment is anticipated because of the proposed development. Minimal impacts on the development are expected because of coastal processes.

2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned **IN2 Light Industrial**, as shown in Attachment 2.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.*

The proposal is satisfactory with regard to the above objectives. The industrial building is existing and is proposed to be retained as part of this development. There will be no adverse impacts on other land uses. The proposal is considered to be compatible with the industrial zoning of the site as a large warehouse is required for this type of facility.

The land use table permits the following uses in the zone.

Advertising structures; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Boat building and repair facilities; Community facilities; Crematoria; Depots; Freight transport facilities; Garden centres; Hardware and building supplies; Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Roads; **Self-storage units**; Service stations; Sex services premises; Take away food and drink premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities

The proposal is categorised as self-storage units and is permissible in the zone with development consent.

Definition

Self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Clause 2.7 Demolition requires development consent

Internal demolitions works are proposed. A waste management plan has been provided. Conditions of consent are recommended.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The existing building has a height of 6.48m which does not exceed the maximum of 9m permitted for the site. There is no change to the building height.

Clause 4.4 Floor space ratio

The permissible floor space ratio restriction applicable to this site is 0.5:1. The development proposes an FSR of 0.96 due to the increased in floor area as a result of the new mezzanine level. This results in a departure to the development standard as outlined in Clause 4.6 below.

Maximum FSR permitted for the zone: 0.5:1

Site area: 1877m²

GFA: 1085m²

FSR: 0.96:1

Clause 4.6 Exceptions to Development Standards

A variation is requested to Clause 4.4 Floor Space Ratio and therefore this clause applies. The applicant has provided a variation request (see attachment 5) in accordance with Clause 4.6 of the WLEP 2009 as detailed in the table below.

Clause 4.6 proposed development departure assessment	
Development departure	<p>Clause 4.4 Floor Space Ratio</p> <p>The site has a restricted floor space ratio of 0.5:1. The development proposes additional gross floor area to the building resulting in an FSR of 0.96:1 of 92% variation to the development standard</p>
Is the planning control in question a development standard?	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>Yes. The applicant's request contains this justification.</p> <p>In summary the justification relies on compliance with the floor space ratio standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development is consistent with the objectives of the standard despite the non-compliance.</p>
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's request contains this justification shown at Attachment 5.

4.6 (4) (a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's request has adequately addressed the matters required to be addressed by subclause (3).</p> <p>The applicant's request is based on the rationale that the variation to Clause 4.4 is considered to be consistent with the objectives of the clause, the changes are internal, and the proposal is compatible with the locality. The submission also outlines that the proposal allows for the economic and orderly use of land without any environmental impacts.</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>The proposed development will be in the public interest because (a) it is consistent with the objectives of the floor space ratio standard; (b) the objectives for development within the IN2 zone will be achieved; (c) the development is not expected to compromise the development potential of neighbouring sites.</p> <p>The objectives of the standard are to ensure appropriate correlation between the size of a site and development. The additional floor area is internal of the existing industrial building not contributing to bulk or scale. The proposed addition is not considered inconsistent with the objectives of clause 4.4.</p> <p>The additional floor area is contained within an existing building and will not impact any neighbouring land. The development will not hinder the ability of adjoining land to carry out their daily land-use functions.</p> <p>Due to the nature of the proposed development, the additional floor space is proposed as storage and will not require additional infrastructure to service the site. Also, the development will not significantly increase vehicular traffic and parking to the site., nor will it generate a large amount of waste or noise impacts.</p> <p>There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard.</p> <p>As outlined in section 2.3 the proposed development has regard to the objectives for development within the zone.</p> <p>The development will remain consistent with the objectives of the IN2 zone despite the non-compliance with Clause 4.4. The departure is considered capable of support.</p>
(b) the concurrence of the Planning Secretary has been obtained.	The WLPP can assume the Secretary's concurrence as the consent authority.

Part 5 Miscellaneous provisions

Clause 5.21 Flood planning

The land is identified a flood affected (uncategorised flood risk). Council's stormwater engineer has reviewed the application and available flood studies and advised they have no objection to the

proposal. Conditions have been provided in relation to flood proofing, evacuation procedures and other matters.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site is serviced by electricity, water and sewage services.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 4 acid sulphate soils. An acid sulphate soils management plan is not required as there are no earthworks proposed as the existing floor is to remain.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

Draft Environment SEPP

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. This Draft SEPP does not apply to this development.

Draft Remediation of Land SEPP

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018. This Draft SEPP has been considered as part of this application as there are no earthworks proposed, no concerns are raised.

Draft Design and Place SEPP

Public exhibition of the Design and Place SEPP Explanation of Intended Effect closed in April 2021.

At this time council is not requiring additional standards beyond BASIX certificates issued under the active BASIX SEPP for this scale of development. This Draft SEPP does not apply to this development.

Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The Housing SEPP is intended to be finalised in October 2021. This Draft SEPP does not apply to this development.

2.3 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

Compliance with the relevant chapters is provided in Attachment 6.

2.4 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is >\$100,000 and a levy is applicable under this plan.

2.5 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.6 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not Applicable as the applicant is not seeking approval for change in use or building classification. This clause applies to development where there is a change of building use and where there is no rebuilding, alteration, enlargement or extension of an existing building.

94 Consent authority may require buildings to be upgraded

Clause 94 of the EPAR applies to development comprising the rebuilding, alteration, enlargement or extension of an existing building where:

- the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
- the measures contained in the building are inadequate:
 - to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - to restrict the spread of fire from the building to other buildings nearby.

In determining this application where this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia. This application has been assessed by Council's Building Surveyor and conditions provided in relation to this Clause.

Clause 168 Fire Safety Schedules

A fire safety schedule will be prepared and issued with the construction certificate by the Accredited Certifier.

Premise Standards (i.e. the Commonwealth Disability (Access to Premises – Buildings) Standards 2010 (the Premises Standards))

Council's Building Surveyor has advised that this is a matter required to be determined with the construction certificate application.

2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

The site is suitable for the proposed use with no impacts are likely to occur. The proposal is for the use of an existing industrial building with internal alterations to accommodate self-storage units. Given the industrial zoning of the site, the proposed use is acceptable for the existing context and setting. The existing industrial building is suitable and well situated to accommodate this type of facility.

Access, Transport and Traffic:

Turning swept paths have been provided and assessed by Council's Traffic Engineer and found to be satisfactory. Existing crossovers and parking to remain on site for customers. It is envisaged that the proposed use will not be a highly traffic generating development. There are minimal changes to the existing car parking layout.

Public Domain:

There are no permanent impacts upon the public domain. Existing street trees are to remain. The building façade will be upgraded to be a more attractive building as viewed from the street.

Utilities:

The proposal would not be envisaged to place an unreasonable demand on utilities supply.

Heritage:

No heritage impacts are anticipated.

Other land resources:

The proposal would not be envisaged to impact upon valuable land resources.

Water:

No impacts on water quality anticipated.

Soils:

There are not anticipated to be any impacts on soils. No earthworks are proposed.

Air and Microclimate:

The proposal would not be expected to result in negative impact on air or microclimate.

Flora and Fauna:

No impacts upon flora and fauna are proposed.

Waste:

A waste management plan has been submitted and considered to be satisfactory. Draft conditions have been imposed. Waste servicing to the site has been assessed and found to be satisfactory.

Energy:

The proposal would not be expected to have unreasonable energy consumption.

Noise and vibration:

There are no noise or vibration concerns with this development.

Natural hazards:

There are no natural hazards identified on site that would preclude the proposed development.

Technological hazards:

There are no technological hazards identified on site that would preclude the proposed development.

Safety, Security and Crime Prevention:

There are no concerns regarding safety and security. Fencing is proposed to restrict entry into the site during the demolition works. A security system is also proposed for after-hours entry to the building.

Social Impact:

The proposal would not be envisaged to result in negative social impacts.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The site is considered to be suitable for the proposed use. Turning swept paths have been provided and assessed by Council's Traffic Engineer. There are minimal changes required to the existing site layout.

Construction:

Draft conditions of consent have been applied for construction details.

Cumulative Impacts:

There are no cumulative impacts anticipated.

2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate regarding the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

No submissions were received.

2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 including the provisions of Wollongong LEP 2009 and relevant SEPPs, DCPs, Codes and Policies.

The proposed development is permissible with consent and has regard to the objectives of the zone. A variation request in regard to the FSR development standard has been assessed and found to be supportable. Internal referrals are satisfactory, and no submissions were received. It is considered that the proposed development is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that the development application DA-2021/809 be **approved** subject to the draft conditions found in Attachment 7.

5 ATTACHMENTS

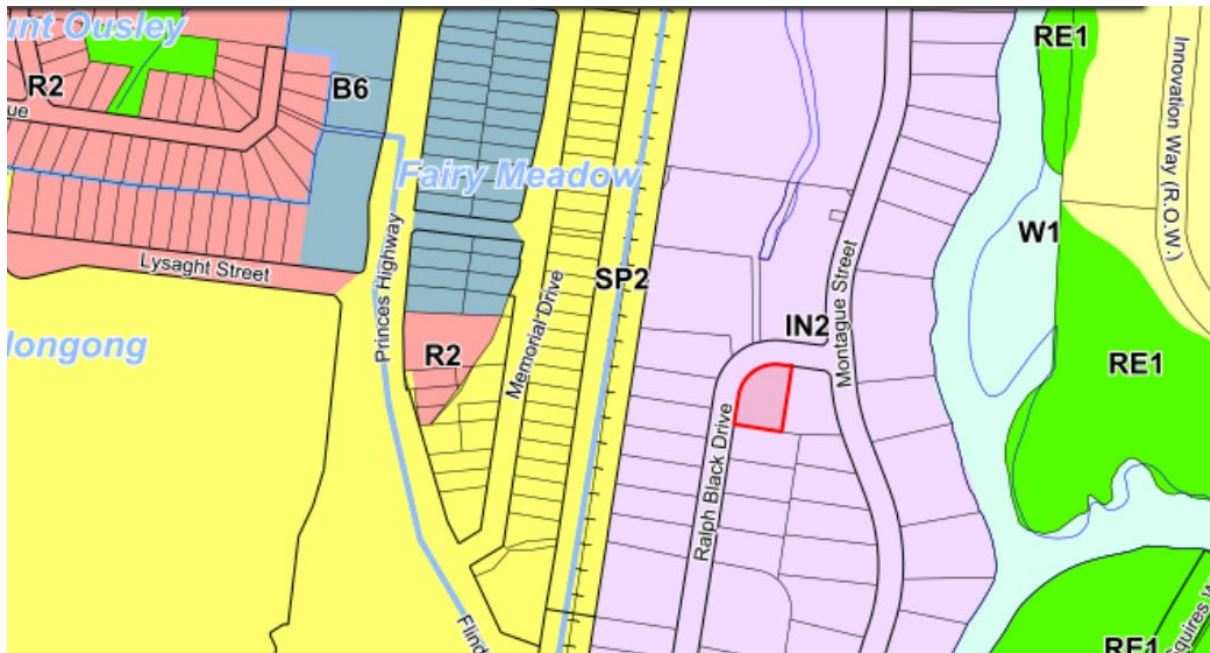
1. Aerial Photograph
2. Zoning Map
3. Site Photographs
4. Architectural Plans

5. Clause 4.6 Submission
- 6 Compliance with WDCP 2009
7. Draft conditions of consent

ATTACHMENT 1 AERIAL PHOTOGRAPH



ATTACHMENT 2 ZONING MAP



Attachment 3



View of subject site from position 1





View of entrance from position 2.





View along Ralph Black Dive from position 1 looking south.



View of the from the site and existing trees along the road frontage.



View of site from position 3



Adjoining industrial development to the east.



DEVELOPMENT APPLICATION

All dimensions to be checked on site, written dimensions only to be used. Do not scale from drawings. Copyright of the design shown herein is retained by the Architect. Written authority is required for any reproduction.

SHEET NUMBER

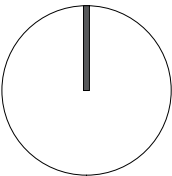
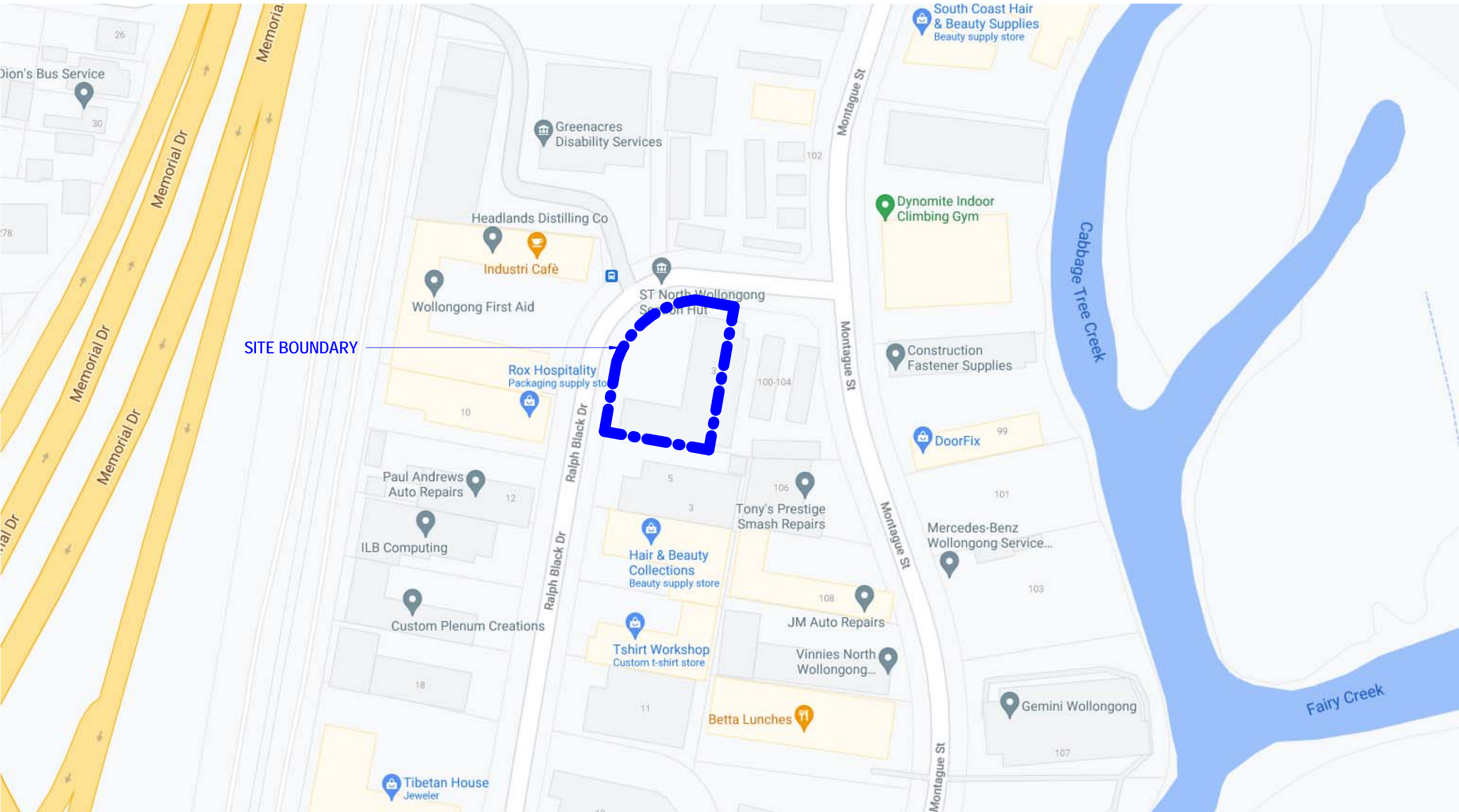
SHEET NAME

A00.01	TITLE SHEET, LOCATION PLAN & DRAWING LIST
A00.04	SAFETY IN DESIGN STATEMENT
A01.01	EXISTING & DEMOLITION PLAN - GROUND FLOOR
A01.02	EXISTING & DEMOLITION PLAN - MEZZANINE FLOOR
A02.01	PROPOSED GROUND FLOOR PLAN
A02.02	PROPOSED MEZZANINE FLOOR PLAN
A09.01	PROPOSED EXTERNAL ELEVATIONS
A09.02	PROPOSED EXTERNAL ELEVATIONS
A09.50	3D AERIAL VIEW
A11.01	PROPOSED BUILDING SECTIONS
APNX.1	APPENDIX 1. SURVEY

SATELLITE AERIAL



LOCATION PLAN



DEVELOPMENT APPLICATION

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STORAGE KING NORTH WOLLONGONG

PROPOSED SELF-STORAGE FACILITY

1-4 RALPH BLACK DRIVE, NORTH WOLLONGONG

PREPARED BY BN GROUP PTY LTD

82 ALEXANDER STREET, CROWS NEST NSW 2065

FOR STORAGE KING PTY LTD

PROJECT NO. : S2056

WORKPLACE HEALTH & SAFETY STATEMENT

Compiled in accordance with Work Health and Safety Act 2011.

IDENTIFIED HAZARD AREAS

1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS

DURING CONSTRUCTION

Wherever possible, components of this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

Cleaning and maintenance of windows, skylights, walls, roof, gutters, rooftop plant or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders, trestles or fall arrest systems should be used in accordance with relevant codes of practice, regulations and legislation. Any such devices are to comply with AS1657 *Fixed Platforms, Walkways and Ladders*, and AS1891.4 *Industrial Fall Arrest Systems and Devices* as required.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES

Specified finishes have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the architect or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

Surfaces should be selected in accordance with SA HB 198:2014 and AS 4586:2013.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, stray objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below:

- 1. Prevent or restrict access to areas below where the work is being carried out.
- 2. Provide toeboards to scaffolding or work platforms.
- 3. Provide protective structure below the work area.
- 4. Ensure that all persons below the work area have Personal Protective Equipment.

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

Parking of vehicles or loading/unloading of vehicles on this site may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.

Construction of this building may require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.

Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be engaged.

Underground power cables are located in or around this site. All underground power cables must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Overhead power lines are near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.

Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS

Any buildings constructed prior to 1986 are likely to contain asbestos either in cladding material or in fire retardant insulation material. The builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING

This building has been designed to requirements of the specific building classification identified within the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken, in accordance with the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act. (Where the specific use of the building is not known at the time of the completion of this report and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end user.)

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with *Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012* and all licensing requirements. All work using Plant should be carried out in accordance with *Code of Practice: Managing Risks of Plant at the Workplace*. All work should be carried out in accordance with *Code of Practice: Managing Noise and Preventing Hearing Loss at Work*. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement.

STATUS REGISTER	DATE
WORKPLACE HEALTH & SAFETY STATEMENT COMPLETED - PROVIDED TO PROJECT MANAGER ALONG WITH DRAWINGS	23.06.2021
WORKPLACE HEALTH & SAFETY STATEMENT COMPLETED - PROVIDED TO PROJECT MANAGER ALONG WITH DRAWINGS	01.07.2021



PROPOSED SELF-STORAGE FACILITY

1-4 RALPH BLACK DRIVE
NORTH WOLLONGONG
LOT 17 IN DP263884

ISSUE	DATE	DESCRIPTION
P1	23.06.21	PRELIMINARY
A	01.07.21	FOR APPROVAL

SAFETY IN DESIGN STATEMENT

A00.04	DA - A
NTS	@ A1
NTS	@ A3

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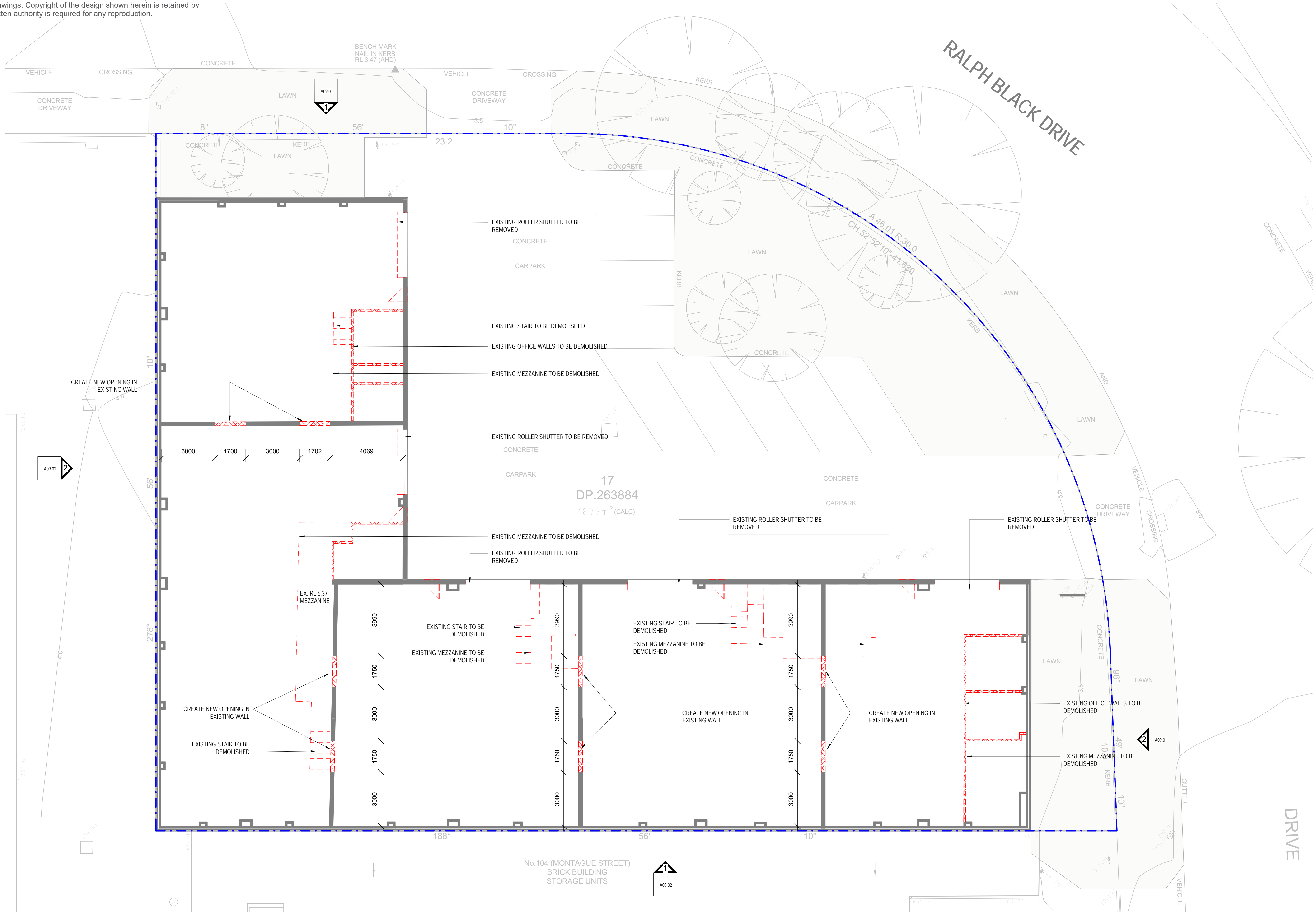


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DEVELOPMENT APPLICATION

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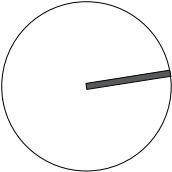


PROPOSED SELF-STORAGE FACILITY
1-4 RALPH BLACK DRIVE
NORTH WOLLONGONG
LOT 17 IN DP263884

ISSUE	DATE	DESCRIPTION
P1	03.06.21	FOR REVIEW
P2	23.06.21	PRELIMINARY
A	01.07.21	FOR APPROVAL

**EXISTING & DEMOLITION PLAN -
MEZZANINE FLOOR**

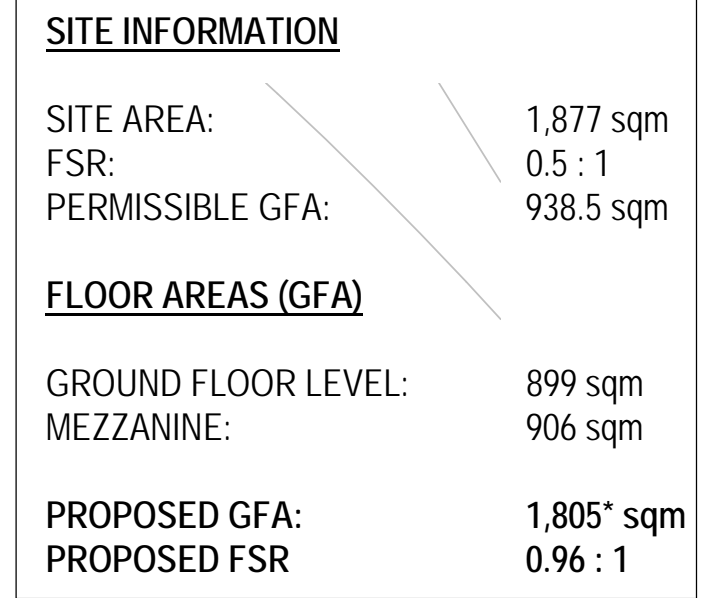
A01.02 DA - A
1:100 @ A1
1:200 @ A3



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NOTE:
*ACCESS CORRIDORS HAVE BEEN INCLUDED IN GFA

Wollongong Local Environmental Plan 2009

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

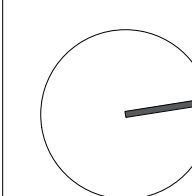
- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (i) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
- (i) storage; and
- (ii) vehicular access, loading areas, garbage and services, and plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority including access to that car parking, and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

1 PROPOSED GROUND FLOOR
1 : 100

1-4 RALPH BLACK DRIVE
NORTH WOLLONGONG
LOT 17 IN DP263884

ISSUE	DATE	DESCRIPTION
P3	23.06.21	PRELIMINARY
A	01.07.21	FOR APPROVAL
B	14.10.21	REVISED GFA CALC

1:100 @ A1
1:200 @ A3



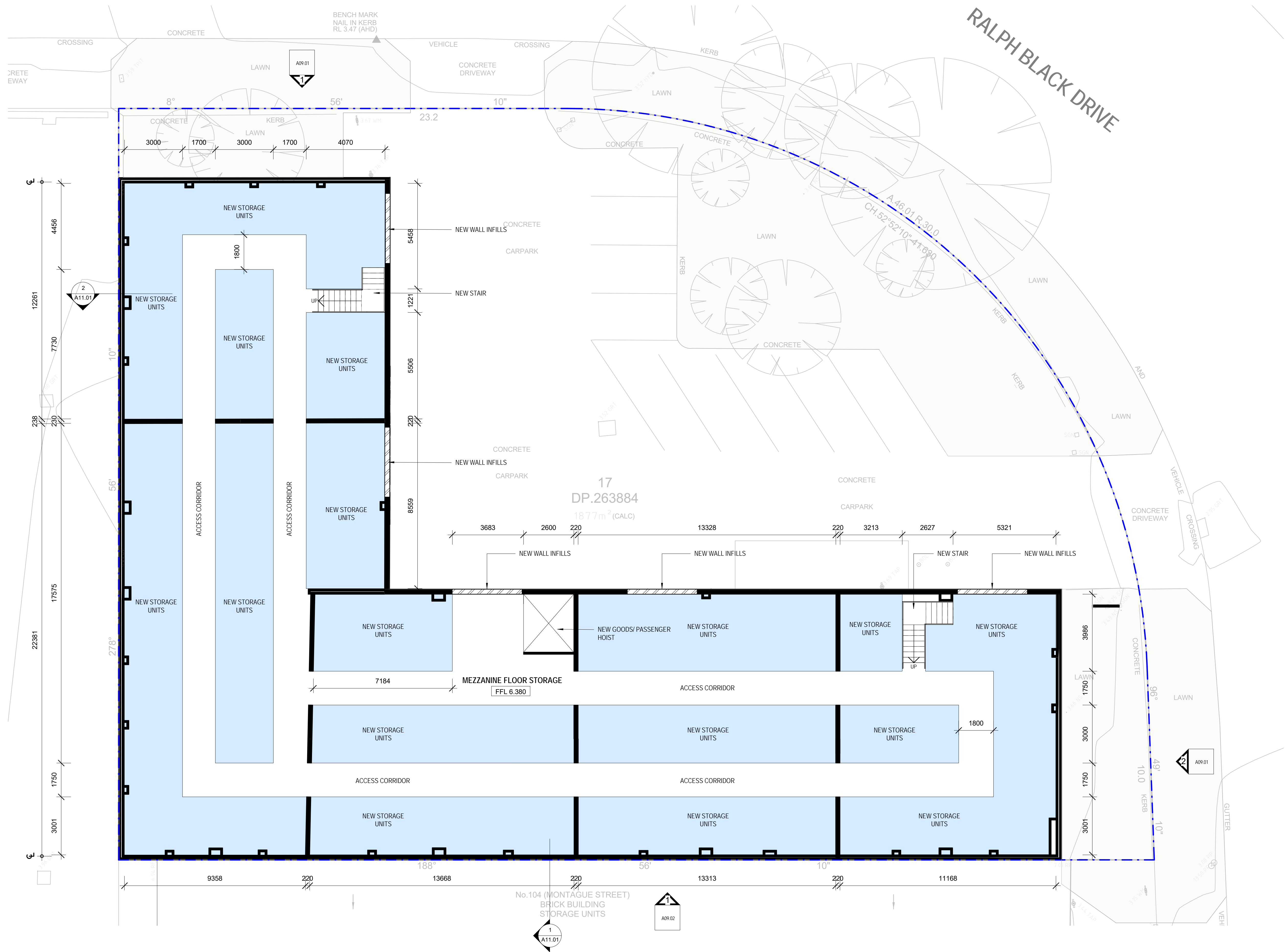
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BN Architecture
Urban Design
Masterplanning
Graphics
Interiors

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1 MEZZANINE
1:100

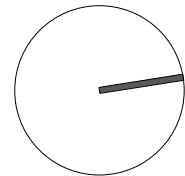


PROPOSED SELF-STORAGE FACILITY
1-4 RALPH BLACK DRIVE
NORTH WOLLONGONG
LOT 17 IN DP263884

ISSUE	DATE	DESCRIPTION
P3	23.06.21	PRELIMINARY
A	01.07.21	FOR APPROVAL
B	14.10.21	REVISED GFA CALC

PROPOSED MEZZANINE FLOOR PLAN

A02.02 DA - B
1:100 @ A1
1:200 @ A3

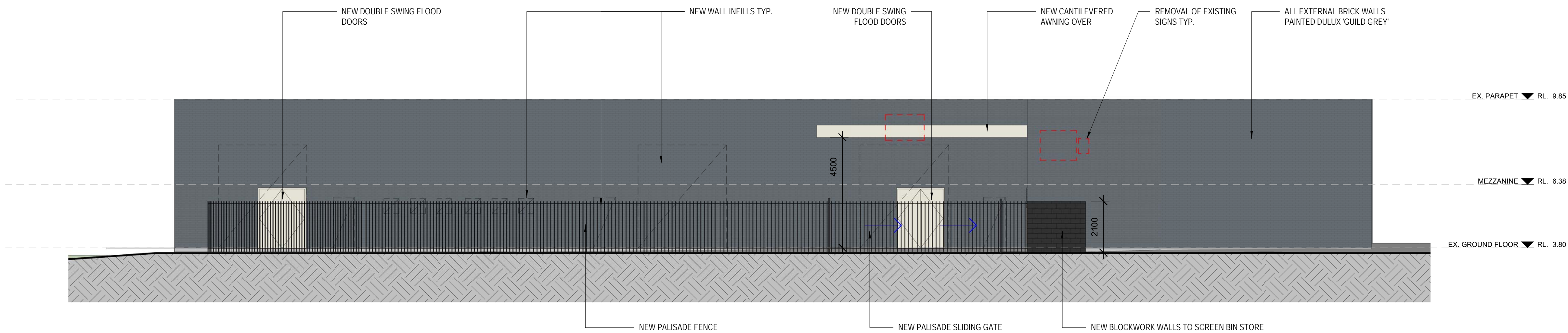


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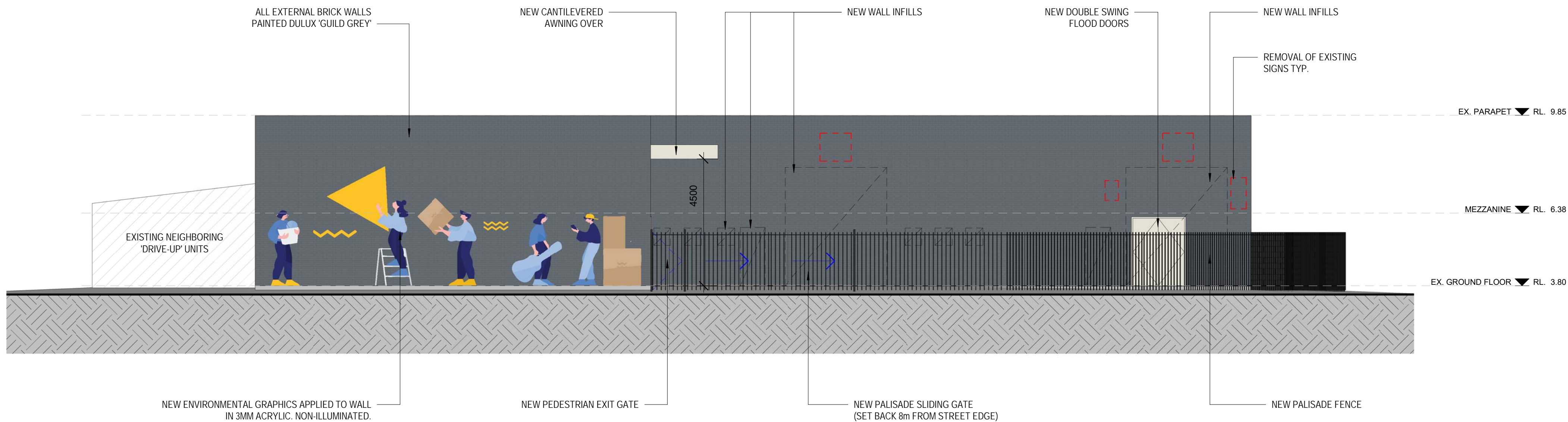


DEVELOPMENT APPLICATION

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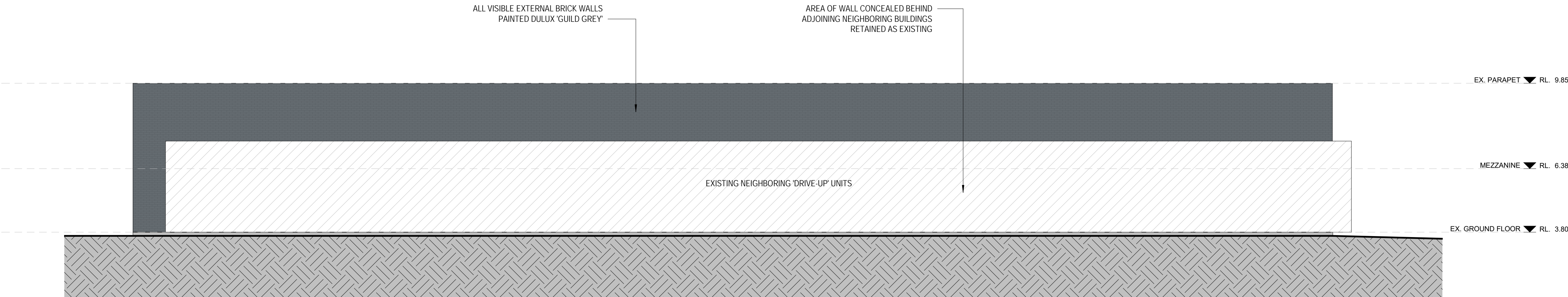
1 WESTERN ELEVATION
1:100



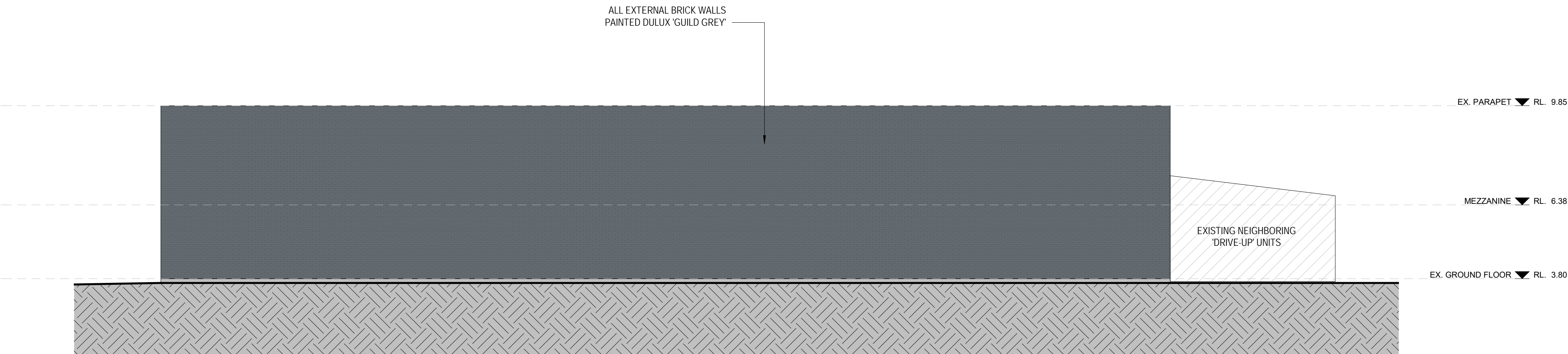
2 NORTHERN ELEVATION
1:100

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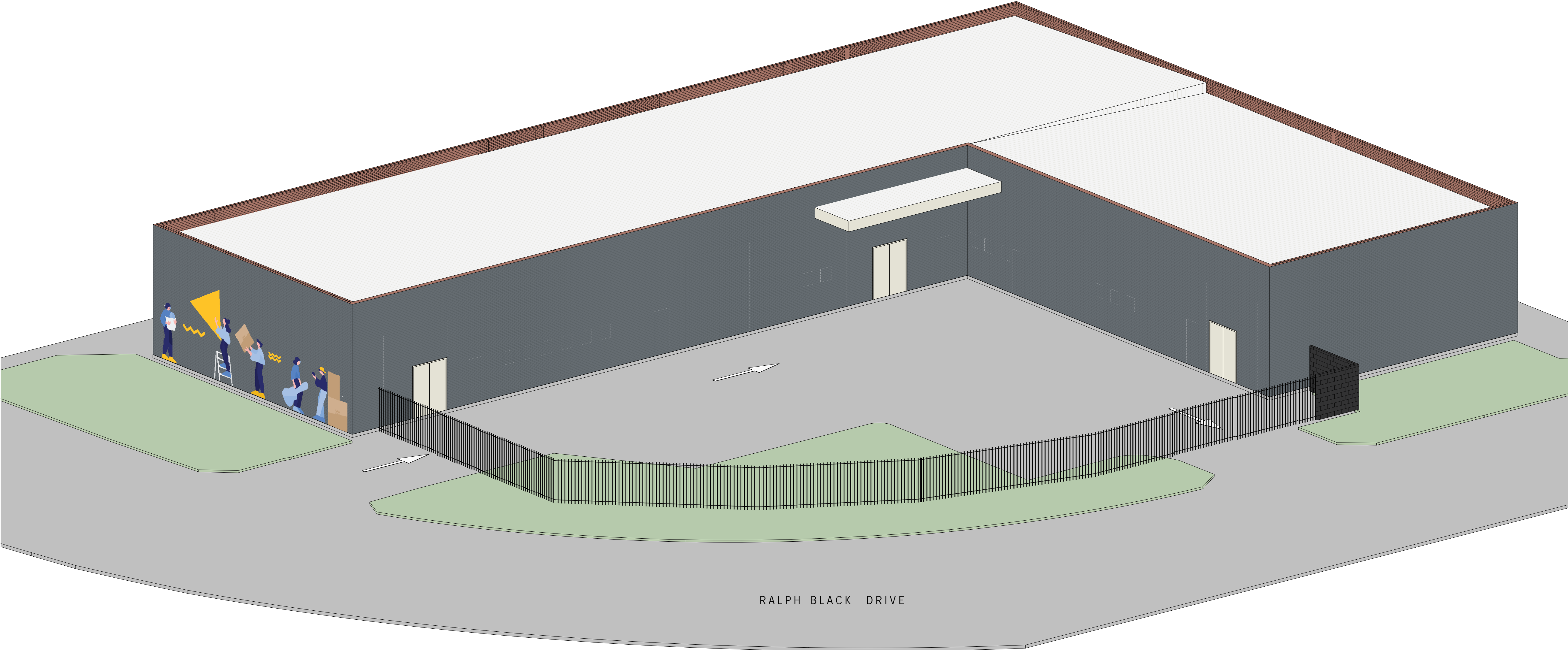
1 EASTERN ELEVATION
1:100



2 SOUTHERN ELEVATION
1:100

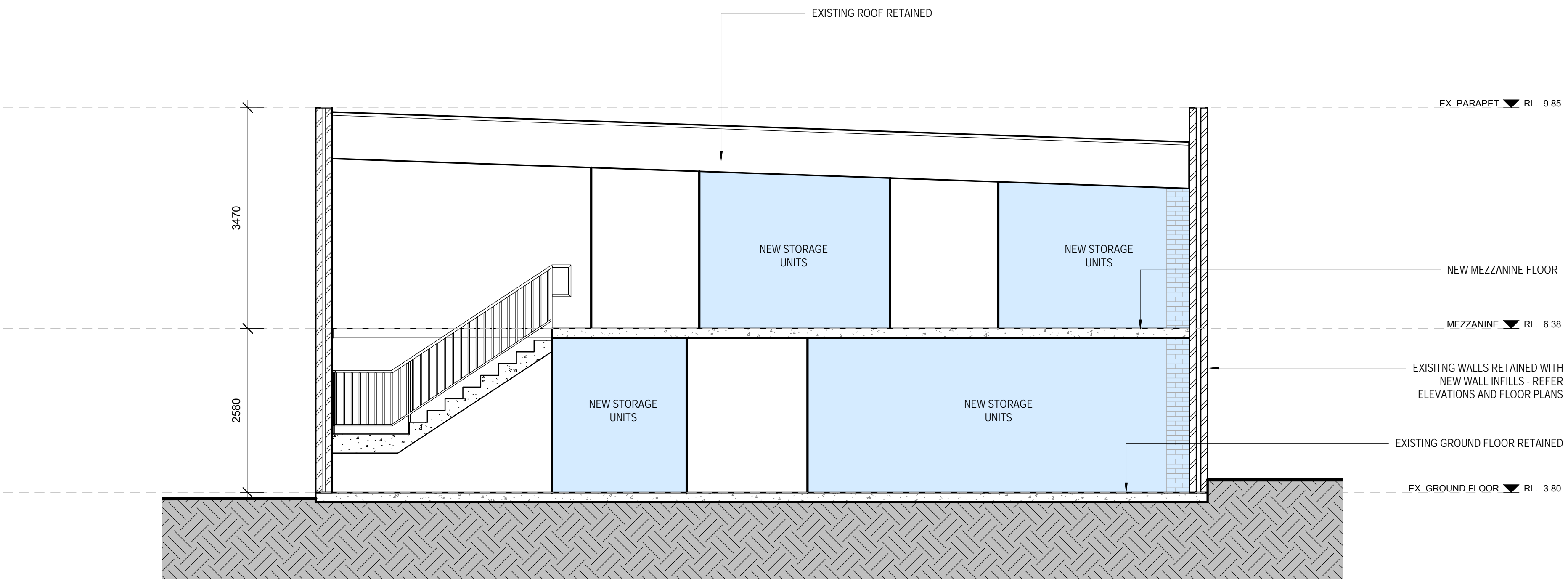
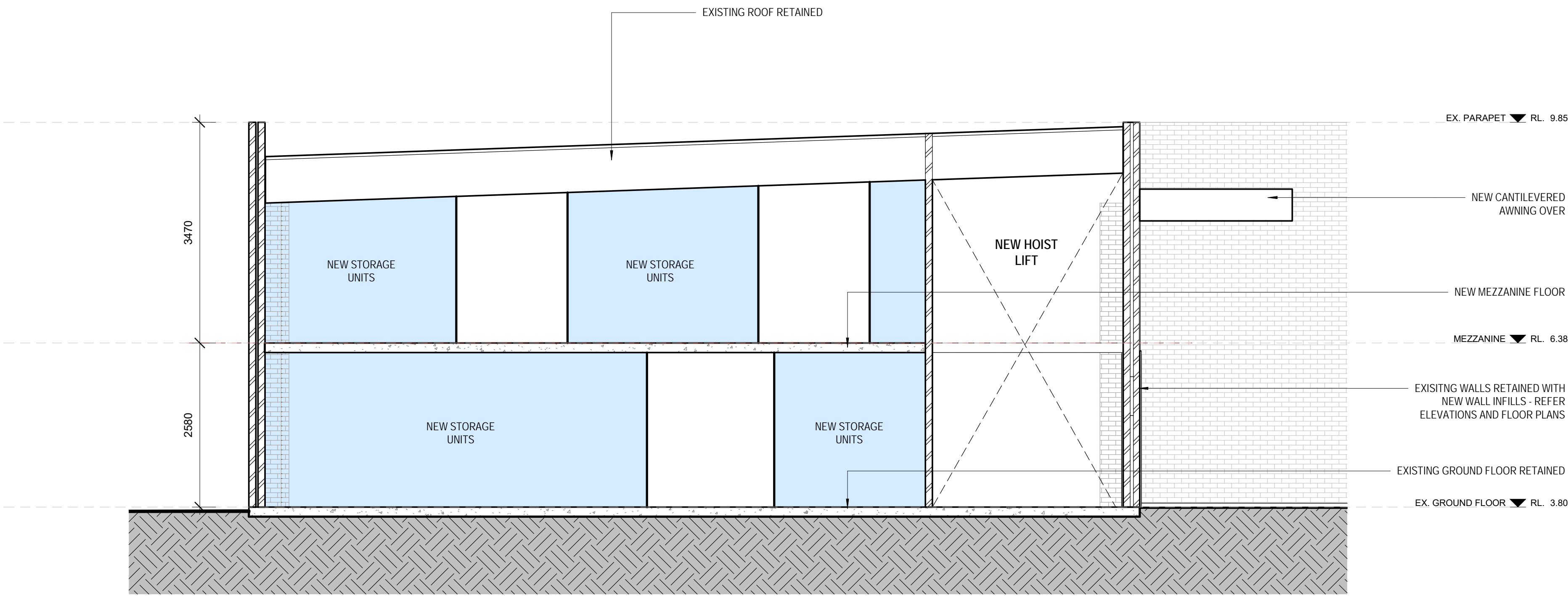
DEVELOPMENT APPLICATION

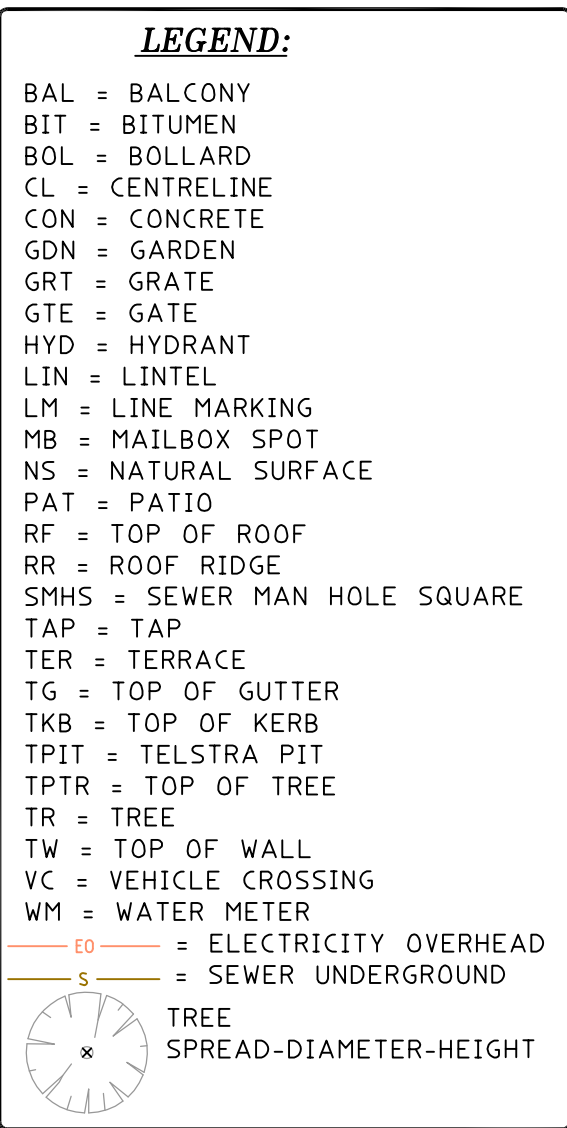
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A horizontal scale bar with alternating black and white segments. Above the bar, numbers 0 through 10 are placed at regular intervals. Below the bar, the text 'SCALE 1:100' is centered.

		HORIZONTAL DATUM:		VERTICAL DATUM:		CLIENT:		SURVEY PLAN		<div><div></div><div>C.M.S. Surveyors Pty Limited</div></div>		<div><div><div>SURVEYED HC</div><div>DRAWN CJR</div><div>CHECKED HC</div><div>APPROVED AF</div></div><div><div>SURVEY INSTRUCTION 19929</div><div>SCALE 1:100 @ A0</div><div>DATE OF SURVEY 17/12/2020</div></div><div><div>DRAWING NAME 19929detail</div><div>CAD FILE 19929detail 1.dwg</div></div><div><div>SHEET 1 OF 1</div><div>ISSUE</div></div></div>	
		CO-ORDINATE SYSTEM: MGA (GDA 2020)		DATUM: AUSTRALIAN HEIGHT DATUM (AHD)		ABACUS STORAGE PROPERTY TRUST		SHOWING DETAIL & LEVELS AND ELEVATION					
		MARKS ADOPTED: SSM.47545 & SSM.114447		B.M. ADOPTED: SSM.27498 (BY GNSS OBSERVATION)		C/- LANCE YUEN, LEVEL SIX VENTURE MANAGEMENT		OVER LOT 17 IN DP263884 & PART LOT 110 IN DP1132835					
				R.L. 5.196 (CLASS LC)		LEVEL 2, 263 CLARENCE STREET		1-4 RALPH BLACK DRIVE & 100 MONTAGUE STREET					
				SOURCE: S.C.I.M.S. (21/12/2020)		SYDNEY, NSW, 2000		NORTH WOLLONGONG, NSW, 2500					
I	FIRST ISSUE	13/01/2021	L.G.A. WOLLONGONG										

Appendix B – LEP Variations

Introduction

This Clause 4.6 Variation Request has been prepared to support a development application under Division 4.3 of the Environmental Planning and Assessment (EP&A) Act 1979, for Industrial Redevelopment to Self Storage Facilities at 3 Ralph Black Drive, North Wollongong. This request satisfies the requirements of Clause 4.6 of the Wollongong Local Environmental Plan 2009 in demonstrating that:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard. This Variation Request is seeking to vary the development standards in Clause 4.4(2) of Wollongong Local Environmental Plan 2009 (WLEP 2009) and should be read in conjunction with the architectural plans provided with the Development Application.

This variation has been prepared in accordance with the NSW Department of Planning Infrastructure (DPI) guideline “*Varying Development Standards: A Guide*” dated August 2011 and addresses the ‘five-part test’ established by the NSW Land and Environment Court (LEC) to determine whether the objection is well founded.

Subject land

The subject land is located at 3 Ralph Black Drive, North Wollongong and is legally described as Lot 17 DP 263884. The site is located north of the North Wollongong Town Centre area, on the eastern side of Ralph Black Drive near the intersection of Montague Street. The subject site is an irregular shaped allotment with an overall site area of 1877m² and contains an existing light industrial building.

Applicable Environmental Planning Instrument

The applicable Environmental Planning Instrument subject to this Variation Request is the Wollongong Local Environmental Plan 2009

Wollongong Local Environmental Plan 2009

Wollongong Local Environmental Plan 2009 (WLEP 2009) provides the key development standards applicable to the development and includes the aims and objectives for the development within the Wollongong Local Government Area. This Variation Request is seeking to vary the development standard Clause 4.4(2) of Wollongong Local Environmental Plan 2009 (WLEP 2009).

Objectives of the Development Standard

To satisfy the requirements of Clause 4.4(2) and demonstrate that compliance with the standard is unreasonable or unnecessary, it is important to understand the intent and objectives of the development standard being varied.

The objectives of this clause are as follows—

- (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,



- (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,
- (c) to ensure buildings are compatible with the bulk and scale of the locality.

Description of the Variation

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#). The existing development has a floor space ratio of approximately 0.43:1. The proposed addition of the mezzanine will increase the Floor Space Ratio to 0.96:1 being a non compliance of 0.46:1. This equates to a 92% variation to the development standard.

How is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

In *Wehbe v Pittwater Council* [2007] NSWLEC827 (Wehbe), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While *Wehbe* related to objections pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 because subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

The five (5) ways outlined in *Wehbe* include:

- 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)*
- 2. The underlying objective of purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)*
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)*
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way)*
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).*

Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.



In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the objectives of the standard are achieved irrespective of the non-compliance and accordingly justifies the variation pursuant to the **First, Second and Fourth Way** outlined in Wehbe, as follows.

Objective of the Development Standard:

Under WLEP 2009, Clause 4.4(2) has the following objectives in relation to the Floor Space Ratio development standard:

- (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,*
- (c) to ensure buildings are compatible with the bulk and scale of the locality.*

In consideration of the second way, the following is provided in response to the objectives of the development standard for Floor Space Ratio:

Correlation between the size of the site and development.

The proposal is for the alterations and additions to an existing industrial unit complex. With the exception of the proposed cantilevered awning, no changes are proposed that increase the size of the building's footprint on the site. The increase in gross floor area results from the construction of a mezzanine within the existing building. The built form therefore continues to relate to the size of the site and no increase in the building bulk or scale is proposed.

Density and intensity of land use.

The proposal is for the alterations and additions to existing industrial units. The unit will be used for self storage units. Example images of the proposed self storage units from another Storage King complex are included as a supporting document to this application.

The premises are to be available for use 24/7 with access controlled by an automated security system. 2 – 3 staff members will be employed on site. The facility's hours of operation will be as listed below.

- Monday to Friday – 6:00am to 10:00pm
- Saturdays, Sundays & Public Holidays – 7:00am to 8:00pm

Access outside core business hours will only be available to customers under contract via a pin coded entry and restricted to the listed facility's hours of operation.

Customers and staff will be able to access the facility freely and safely during the core business hours being:

- Monday to Friday – 7.30am to 5.30pm
- Saturday – 8.00am to 4.00pm
- Sunday and Public Holidays – 10.00am to 4.00pm



The site currently provides for 11 car parking spaces on the site. Two spaces are proposed to be removed for the new fence and landscaping with a space proposed under a cantilevered awning for under cover truck standing. Given the proposed use, the development is unlikely to increase traffic to and from the site.

The Vehicle Swept Path Assessment demonstrates that a Single Rigid Vehicle (SRV) (6.4m) and Medium Rigid Vehicle (MRV) (8.8m) can manoeuvre to the loading bay and to collect waste from the bin storage areas. The waste vehicle will either front load or side load with the vehicle to stay wholly within the site. The MRV will be the maximum size truck on premises for delivering/removing merchandise and delivering /removing merchandise will only be allowed access to the facility during core business hours. The gates will remain open during operation hours to prevent any traffic congestion.

The site is currently serviced by water and electricity and the like. The development is unlikely to have an additional load on these services and it is understood that the existing infrastructure is able to cater for the development.

Compatibility with the locality.

With the exception of the proposed cantilevered awning, no changes are proposed that increase the bulk and scale of the development on the site. The increase in gross floor area results from the construction of a mezzanine within the existing building. The built form therefore continues to be compatible with its industrial location.

On this basis, the proposed development has been assessed against each objective contained in Clause 4.4(1) of WLEP 2009. Thus, deeming strict compliance in accordance with the First Way is unwarranted in the circumstances of this particular case.

Development Standard Abandoned:

In relation to the Fourth Way "The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way)" it is noted that the following approvals have proposed the same variation and have been approved thereby abandoning the development standard:

*DA-2019/951: 9/8 Pioneer Drive WOONONA
Mezzanine level and Change of Use to Warehouse and Distribution Centre
Extent: 12%*

*DA-2019/1259: 15/8 Pioneer Drive WOONONA
Mezzanine Level and Change of use to Depot
Extent: 12%*

*DA-2019/1177: 3/8 Pioneer Drive WOONONA
Mezzanine Level and Change of use to Recreation Facility (Indoor)
Extent: 12%*

*DA-2019/1058: 8 Pioneer Drive WOONONA
Mezzanine levels and Change of use to Light Industry
Extent: 12%*



*DA-2019/1054: 8 Pioneer Drive WOONONA
Mezzanine Level and Change of use to Warehouse and Distribution Centre
Extent: 12%*

*DA-2019/1034: 4/8 Pioneer Drive WOONONA
Mezzanine Level and Change of Use to Depot
Extent: 12%*

*DA-2018/950: 2/21 Cemetery Road HELENSBURGH
Use of Units 2 and 3 as production of videos for entertainment, education and social media
and use of constructed raised storage platforms (mezzanines)
Extent: 10%*

Thus, deeming strict compliance with the Floor Space Ratio development standard is unwarranted (Fourth Way) in the circumstances of this particular case.

Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, there are sufficient environmental planning grounds in the circumstances of the case to justify contravening the development standard. These include:

- The site is of a sufficient width, depth and size to accommodate the proposed FSR, without resulting in any significant adverse impacts on the public domain or any adjoining properties;
- The scale of the existing development and proposed awning is considered appropriate within the strategic planning context of the IN2 Light Industrial Zone and is consistent with the relevant zone objectives;
- The proposal satisfies the objectives and development controls in relation to the maximum permitted FSR contained within Clause 4.4 of the *WLEP 2009*;
- Non-compliance with the standard will not result in any adverse environmental impacts; and
- The development as proposed will allow for the orderly and economic use of the subject land.

Is the proposed development in the public interest because it is consistent with the underlying intent of the development standard and the objectives for development in the zone

Yes, the proposal will provide additional floor space within an existing industrial building to meet the business needs, in turn meeting the needs of the local community. With the exception of the proposed cantilevered awning, no changes are proposed that increase the bulk and scale of the development on the site. The increase in gross floor area results from the construction of a mezzanine within the existing building. The built form therefore continues to be compatible with its industrial location. Given the modular nature of the self storage units, the infrastructure proposed can be removed at a later date should a future building tenant/owner choose to restore the building to a standard warehouse configuration.



Does contravening the development standard raise any matters of significance for the State or regional environmental planning?

No, contravening the development standard in this case does not raise any matters of State or Regional planning significance.

Is the objection well founded?

For the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance. Granting an exception to the development standard can therefore be supported in the circumstances of the case.

The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in Section 1.3 of the EPAA 1979.

Conclusion

This Clause 4.6 Variation Request has been prepared to support a development application for an Industrial Redevelopment to a Self-Storage Facility at Lot 17 DP 263884, 3 Ralph Black Drive, North Wollongong. This request satisfies the requirements of Clause 4.6 of the Wollongong Local Environmental Plan 2009 (WLEP 2009) and demonstrates that compliance with the standard is both unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify varying the standard in this instance.

Attachment 6

CHAPTER B5 INDUSTRIAL DEVELOPMENT

<u>3 Factory / warehouse distribution centre building design requirements</u>	The proposal is considered to be consistent with the objectives of this control.	Yes
<u>4 Building design / façade treatment</u>	The development mainly incorporates internal changes to the building. Changes to the exterior façade propose upgrading the façade with painting and a new awning.	Yes
<u>5 Energy and Water Efficiency</u>	The development meets the requirements of this clause.	Yes
<u>6 Safety and security</u>	See Chapter E2	Yes
<u>7 Carparking requirements</u>	See Chapter E3	
<u>8 Loading dock facilities, vehicular access and manoeuvring requirements</u>	See Chapter E3	
<u>9 Landscaping requirements</u>	The site has landscaping at the front. No further landscaping treatment is required.	Yes
<u>10 Outdoor storage areas</u>	No outdoor storage areas are proposed as part of this application.	N/A
<u>11 Shipping container storage facilities</u>	No shipping container storage is proposed as part of this application.	N/A
<u>12 Motor Vehicle Repair Workshops</u>	No motor vehicle repair workshops are proposed as part of the subject application.	N/A
<u>13 Fencing</u> All fencing in industrial developments shall be constructed of palisade or decorative open style metal type fencing with a maximum 2.4 metre height	Plans show new palisade fencing to be erected out the front of the site for security reasons with a height of 2.1m high.	Yes
<u>14 Use of factory / warehouse units</u>	This application does not propose separate uses for the units.	N/A
<u>15 Abrasive blasting industry</u>	The proposal does not include any abrasive blasting industries.	N/A

<u>16 Industrial development adjoining a residential zone</u>	The site is not adjoining residential zone.	N/A
<u>21 Stormwater drainage requirements & flood study requirements</u>	See Chapter E14 and E15.	Yes.
<u>23 Utility infrastructure services</u>	It is expected that required utilities are available at the site and capable of augmentation to meet the needs of the proposal. Conditions could be recommended in this regard.	Yes
<u>24 Subdivision of industrial land</u>	No subdivision is proposed.	N/A
<u>25 Road design & construction requirements – road types and characteristics for public roads</u>	No public road forms part of the subject development application.	N/A
<u>26 Restricted access to arterial or sub-arterial roads</u>	Access to the site is proposed via a local road.	N/A
<u>27 Street lighting</u>	No changes to the street lighting are proposed as part of the subject application.	N/A
<u>28 Strata subdivision of multi-unit factory / warehouse distribution centre complexes</u>	Subdivision is not proposed as part of the subject application.	N/A

CHAPTER D1 – CHARACTER STATEMENTS

North Wollongong

The proposal is considered to be consistent with the existing and desired future character for the locality. The site is situated in an industrial zone with a range of land uses including industrial and indoor recreational facilities.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The application will be required to comply with access provisions under the BCA with details shown on the construction certificate plans. Conditions provided by Council's Building Surveyor.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The development does not raise any concerns with regard to crime prevention. New security fencing is proposed. Pin entry will be available for customers after hours when the facility is not staffed. Lighting is provided around the site and street numbering is clearly visible.

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

Car Parking

The proposal is to use existing car parking provided on site. Due to the nature of operations, no additional parking is required.

Additional information was sought by Council's Traffic Engineer in relation to swept paths for largest anticipated vehicle to use the site.

Council's Traffic Engineer has reviewed the proposal and conditions have been provided.

CHAPTER E7: WASTE MANAGEMENT

Standard conditions to apply for waste management during the construction stage.

CHAPTER E14 STORMWATER MANAGEMENT

Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

CHAPTER E13: FLOODPLAIN MANAGEMENT

The site is identified as being located within a flood risk precinct. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and clause 5.10 of WLEP 2009 and has recommended conditions of consent.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

No trees are proposed to be removed as part of this application.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

There are no earthworks involved. No concerns are raised with regard to contamination.

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Attachment 7: Draft Conditions for DA-2021/809

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing A02.01 DA-B and A02.02 DA-B dated 14 October 2021, A11.01 DA-A dated 30 September 2021 and A01.01 DA-A, A01.02 DA-A, A09.01 DA-A and A09.02 DA-A dated 1 July 2021 prepared by BN and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 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 a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4 **Disability Discrimination Act 1992**
This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009 - Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.
- 5 **Separate Consent Required for Advertising Signage**
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 6 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifier (PC) prior to occupation or use of the development. In issuing an Occupation Certificate, the PC must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

- 7 **Flood Proofing**
The premises must be flood proofed up to a minimum RL of 4.55 m AHD (1% plus 0.5m free board and 0.15m climate change). The term 'flood proofed' is intended to mean any combination of measures necessary to ensure that flood water will not physically enter the premises in the event of a flood. In satisfying this requirement, consideration shall be given to the structural soundness and flood compatibility of the existing/proposed building structures including walls, doors, etc. Flood proofing is required to be designed by a suitably qualified civil (structural)

engineer. The flood proofing must not rely on human intervention out of operating hours or other tenancies. The flood proofing must be generally in accordance with the Flood Assessment Report, Job no. 2057, by Footprint Sustainable Engineering, Dated 20 June 2021. The flood proofing shall be designed by a suitably qualified civil engineer and the above requirements must be reflected on the Construction Certificate plans and documentation.

- 8 The development must provide signage at the driveway entrance restricting the maximum length of all vehicles to enter the site to 8.8 metres. Signage which states this restriction must be located wholly within the curtilage of the site and clearly visible to all drivers from the road. Details of such compliance are to be reflected on the Construction Certificate plans.

9 **Building Code of Australia – Fire Safety Upgrade**

The following information will be required to be detailed on the plans or supporting documentation to the PC, prior to the issue of the Construction Certificate. This condition relates to fire safety upgrade considerations under Clause 94 of the Environmental Planning & Assessment Regulation 2000 and relates to the building. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 1.

- 10 Any works requiring upgrade or a Performance Solution as identified in the National Construction Code Series Design Assessment Report prepared by Design Confidence dated 13 July 2021, details/plans/specifications of such works shall be provided on the Construction Certificate documentation.

11 **Car Parking and Access**

The development shall make provision for a total of nine (9) 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 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

- 12 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 relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

- 13 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

14 **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Any portion of the building or structure below RL 4.55 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 DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- b The proposed alterations and additions shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard being RL 5.59 metres AHD.

15 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$6,090.54 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

$$\text{Contribution at time of payment} = \$C \times (\text{CP2}/\text{CP1})$$

Where:

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1361168	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

16 Appointment of PC

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a Appoint a PC and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The PC must determine when inspections and compliance certificates are required.

17 Sign – Supervisor Contact Details

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

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the PC for the work; and
- c 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.

18 Demolition Works

The demolition of the existing Building elements shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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 PC. 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.

19 **Waste Management**

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 reusable materials.

20 **Works in Road Reserve - Minor Works**

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.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

21 **Tree Protection**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970:2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

During Demolition, Excavation or Construction

22 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system.

23 **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, 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.

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.

24 **Restricted Hours of Construction 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 Saturday, without the prior written consent of the PC and Council. No work is permitted on public holidays or Sundays.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

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.

25 Flood Compatible Materials – Electrical

All power service (metering) equipment, power outlets, switches etc. shall be located above RL 4.55 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 4.55 metres AHD should be capable of disconnection by a single plug and socket assembly.

26 Fences

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

Prior to the Issue of the Occupation Certificate

27 Fire Safety Upgrade (Occupation Certificate)

Prior to the issue of an Occupation Certificate, all upgrade works identified in the National Construction Code Series Design Assessment Report prepared by Design Confidence dated 13 July 2021, must be complete to the satisfaction of the Registered Certifier.

28 Egress

Prior to the issue of an Occupation Certificate:

- Exit doors serving the building, including doors in path of travel to an exit, must comply with Part D2.19, D2.20 and D2.21 of the National Construction Code Series Volume 1 (BCA).
- Travel distances within the building must comply with Part D1.4 of the National Construction Code Series Volume 1 (BCA).

29 An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the PC prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress to upper floor evacuation during the peak of storm events up to and including the Probable Maximum Flood (PMF) being RL 5.09 metres AHD in this instance.

Notification of the presence of the evacuation report and procedure will be placed on the section 10.7 certificate for the property to ensure future property owners are made aware of the procedure in the case of flood.

30 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the PC is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard and climate change being RL 5.59 metres AHD or greater.

Operational Phases of the Development/Use of the Site

31 **Storage of Goods and Materials**

All goods, materials and equipment shall be stored within the building and no external area of the land shall be used for purposes of storage

32 **External Storage of Materials/Equipment**

Any external storage of materials/equipment including waste bins etc, which are likely to cause pollution or be potentially hazardous during a flood event, shall be adequately secured or located above the 1 in 100 year flood level plus 0.5m freeboard and climate change being RL 4.55 m AHD.

33 All servicing, deliveries and waste collection are to be carried out by a vehicle no larger than a Medium Rigid Vehicle (max 8.8 metres in length) from the designated loading/unloading facility enabling forward exit in no more than a 3-point turn.

34 **Restricted Hours of Operation**

The hours of operation for the development shall be restricted to:

Core Business Hours

Monday to Friday - 7.30am to 5.30pm

Saturday - 8.00am to 4.00pm

Sunday and Public Holidays - 10.00am to 4.00pm

Customers under Contract via a Pin Coded Entry

Monday to Friday - 6:00am to 10:00pm

Saturdays, Sundays & Public Holidays - 7:00am to 8:00pm

Any alteration to the approved hours of operation will require separate Council approval.

35 **Restricted Delivery Hours**

The delivery of service trucks shall be limited to 6.30 am to 9.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

36 **No Display of Goods and Materials Outside Premises**

The placement of any cabinet, display stand, racks or any other means of displaying goods, whether or not for sale shall not be located on any property boundary, road reserve or outside the premises.

37 **Restriction on Placement of Storage Racks, Cabinets, Pallets etc**

The placement of storage racks, cabinets, floor stock, pallets or the like shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, portable fire extinguisher or other essential fire safety measures.

38 **Noise Restrictions on Industrial Development**

The noise ($L_{Aeq}(15min)$) emanating from self-storage developments must not exceed 5 dB(A) above the background noise level ($L_{A90}(15min)$) of the area at any boundary of the land.

39 **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

40 **Waste Management**

An adequate number of waste receptacles for both general rubbish and recyclable materials shall be placed strategically around the site and collected on regular basis. Waste shall not be allowed to accumulate on the site.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.