

Wollongong Local Planning Panel Assessment Report | 25 September 2019

WLPP No.	Item 4
RD No.	RD-2019/66/A
Proposal	Industrial – addition of two roller doors
Property	110 Jardine Street, Fairy Meadow
Applicant	JPC Planning
Responsible Team	Development Assessment and Certification - City Centre Team (SR)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Advice

The proposal has been referred to Wollongong Local Planning Panel for advice pursuant to clause 2.19(1) (c) of the Environmental Planning and Assessment Act 1979. The application is of significant community interest as identified by Council's General Manager and Director of Planning in accordance with clause (4) of Council's draft submissions policy.

Proposal

Installation of two roller doors to fully enclose the existing structure.

Permissibility

The site is zoned IN2 Light Industrial pursuant to Wollongong Local Environment Plan 2009. The proposal is ancillary to the existing structure which is categorised as an industrial unit and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received three submissions, one in favour and two objecting to the proposal. The issues raised pertain to security risks, adverse impacts as a result of impeded access to Council's stormwater infrastructure and greater impacts on traffic and parking as a result of the enclosure of the structure. The issues raised are considered under Section 1.5 of this report.

Main Issues

- Enclosure of Council's stormwater easement and potential impacts of that enclosure.
- Enclosure of the structure will impede access to the 6.095m wide easement to drain water

RECOMMENDATION

It is recommended that the proposal be refused subject to the draft reasons for refusal provided at Attachment 3.

Application overview

1.1 PLANNING CONTROLS

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

The application seeks a Review of Determination under Sections 8.2-8.5 of the EP&A Act 1979 and Division 12B of the EP&A Regulations. The Review of Determination seeks approval for the installation of two roller doors to enclose an existing open industrial structure.

The original DA (DA-2019/66) was refused on 9 April 2019 and the application must be determined prior to 9 October 2019 in accordance with section 8.3 of the Act.

Section 8.3(3) of the EP&A Act 1979: Application for and conduct of review (cf previous ss 82A (2)–(4) (6), 82B (2)–(4)):

8.3(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

This proposal has been amended from the earlier refused application (DA-2019/66) by removing the lockable component on each of the two roller doors. The applicant states that the unlockable doors will act as a visual deterrent to minimise security issues at the site. The doors will be provided with a motion sensing alarm system which will notify the owners if anyone accesses the premises through the doors. The changes are minor and the proposal is deemed to be substantially the same development.

Section 8.4 of the EP&A Act 1979: Outcome of review (cf previous ss 82A (4A), 82B (5)):

8.4 After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.

It is recommended that the previous determination be confirmed by refusal of the application.

Division 123I of Division 12B of the EP&A Regulations 2000:

(2) An application must be notified or advertised:

(a) for a period not exceeding 14 days, but otherwise in the same manner as the original application for modification was notified or advertised, or
(b) if the application is made to a council that has provided in a development control plan for the notification or advertising of such an application, the application is to be notified or advertised in accordance with the development control plan.

The application was notified between 7 May 2019 and 21 May 2019 in accordance with Council's notification policy.

(4) Submissions may be made in relation to such an application during the notification period and during that period any person may inspect the application and any accompanying information and make extracts from or copies of them.

A total of three (3) submissions were received, one in support of the proposal and two objecting. The concerns raised are discussed in detail in Part 1.5 of this report.

1.3 BACKGROUND

History of applications relevant to the subject proposal

DA-2019/66 for the addition of two roller doors to enclose the existing industrial unit was refused by Council on 9/4/2019 for the following reasons:

- 1 Pursuant to the provisions of 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the application submission fails to demonstrate consistency with the provisions of the Wollongong Local Environmental Plan 2009 as follows:
 - Clause 1.2 Aims of Plan
 - The proposed development is not consistent with the constraints of the land and does not allow the existing infrastructure to be appropriately serviced.
 - Clause 2.3 Objectives, as the proposal limits effective access and management of the site to appropriately maintain the drainage infrastructure impacting on industry and other land uses.
- 2 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the application fails to demonstrate consistent with the provisions of the Wollongong Development Control Plan 2009 as follows:
 - Chapter E14 Stormwater Management
 - 11.4.4 Building Over or Adjacent to Council's Easement, as the proposed development includes the full enclosure of Council's stormwater easement, limiting Council's access.
- 3 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the application fails to demonstrate the proposed development will not have adverse impacts on the locality.
- 4 Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, it is considered the application fails to demonstrate site suitability as the proposal fails to adequately respond to and address site constraints.
- 5 Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest as it will limit Council's ability to appropriately and adequately manage and maintain existing stormwater drainage infrastructure.

DA-2018/1382 for the change of use of part of a building for storage, flower arrangement and assembly of props etc for events was approved by Council. The application also proposed legitimising works undertaken in the warehouse including toilets and mezzanine level.

Pre-lodgement

A pre-lodgement meeting PL-2018/122 was held with Council on 13 July 2018 to discuss the installation of roller doors to secure/fully enclose the building. The pre-lodgement notes state the development as proposed would not comply with Section 11.4 of Wollongong DCP 2009 and would not be supported. The subject application is similar to the proposal discussed at the pre-lodgement meeting.

Previous Applications

The applications **DA-2010/1423** and **DA-2011/542** were withdrawn by the applicant following concern raised by Council in relation to the existence of illegal building works, and non-compliance with Section 11.4.4 of Chapter E14 of the WDCP.

DA-2007/148 was withdrawn by the applicant following concerns raised by Council in relation to the easement and stormwater/flooding concerns.

DA-2000/989 was approved by Council in 2000 for walls around part of the existing awning. Approval was not granted for the entire structure to be enclosed.

DA-2000/989/A was lodged following compliance action undertaken by Council in regard to the unapproved roller doors placed on the building. The modification application was refused due to flooding issues and non-compliance with 11.4.4 of Chapter E14 of the WDCP 2009. The related BC application **BC-2010/136** was consequently refused.

DA-1997/785 was approved by Council for the construction of an awning and hardstand area on the site.

Regulation and Enforcement

Enforcement action undertaken by Council in relation to unauthorised use of the premises and illegal building works is currently on hold pending the determination of this application.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.4 SITE DESCRIPTION

The site is located at 110 Jardine Street, Fairy Meadow and the title reference is Lot 312 DP 1003883. The site is irregular in shape and relatively flat. The locality is categorised by a mixture of industrial and low density residential uses. The sites to the north, south and east are predominantly industrial, while sites located to the west are residential.

Property constraints

Council records identify the land as being impacted by the following constraints:

- Flooding: The site is identified as being located within a medium flood risk precinct.
- Easements and restrictions: The site contains a number of easements and restrictions including an easement for drainage of water 6m wide running through the site.

1.5 SUBMISSIONS

The application was notified between 7 May 2019 to 22 May 2019 in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. Three submissions were received, one in support and two objecting to the proposal. The issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Submission in support of roller doors to address issues relating to vandalism, squatting, graffiti and theft.	The proposal will not prevent vandalism, graffiti, squatting and theft particularly given that the doors are not proposed to be locked. Alternative options may be employed by the owner to address these issues without impeding Council's Stormwater drainage easement such as security lighting, cctv and signage.

Concern	Comment
2. Objections relate mainly to concerns about building over Council's stormwater easement resulting in difficulties gaining access for maintenance, flood risk to adjoining properties and further imposition on Council resources whilst trying to gain access. Also, greater impacts on traffic and parking.	The proposal is deemed to be unsatisfactory due to the impacts relating to impeded access to Council's stormwater drainage easement. This issue is discussed further throughout this report.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Stormwater Development Engineer

Council's Stormwater Development Engineer has reviewed the application and has deemed it to be unsatisfactory. The following comment was provided:

"The proposal to install roller doors, cladding and additional structures over the existing 6.095m wide easement on the site is not supported. The structure as proposed is contrary to Section 11.4.4 within Chapter E14 of Council's Wollongong DCP 2009."

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

There are no earthworks proposed. No concerns are raised in regard to contamination as relates to the use of the land and the requirements of clause 7.

2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.2 Aims of Plan

The proposed development is not consistent with the particular aims of the WLEP as follows:

- The proposal is not consistent with the constraints of the land and
- The proposed structure will not allow the existing infrastructure within the easement to be appropriately accessed for inspection or servicing.

Clause 1.4 Definitions

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- high technology industry,
- home industry,
- artisan food and drink industry.

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.

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 site and surrounding area is flood prone. The 6.095m wide easement running through the property is part of Council's stormwater drainage infrastructure and is necessary to ensure the effective management of the site and surrounding areas.

Whilst the proposal involves unlocked doors with a motion sensing alarm, the doors have potential to impede Council from accessing the stormwater easement. The doors, if not maintained, could obstruct access. Further, any new owner may not be aware that the doors are to remain accessible and unlocked. If access to the stormwater easement is required and cannot readily be obtained particularly at short notice, there is potential to create impacts on surrounding land uses. Accordingly, the proposal is deemed to be unacceptable regarding the third objective.

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

2 Permitted without consent

Building identification signs; Business identification signs

3 Permitted with consent

*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*

4 Prohibited

Any development not specified in item 2 or 3

The proposal is associated with the light industrial use of the site and is permissible in the zone. There is no change proposed to this use.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The height limit for the site is 11m. The proposed works achieve compliance with this requirement.

Clause 4.4 Floor space ratio

The proposal does not comprise any additional gross floor area. Floor space was assessed as part of the development application DA-2000/989 for the partial enclosure of the site and was deemed to be compliant.

Part 7 Local provisions – general

Clause 7.3 Flood planning area

The site is identified as being flood prone and does not have regard to the objectives of the clause. Council's Stormwater Officer has assessed the proposal and has raised concerns as outlined above.

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

None applicable.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER B5 INDUSTRIAL DEVELOPMENT

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3 Factory / warehouse distribution centre building design requirements</u>	No change proposed except for installation of roller doors.	Yes
<u>4 Building design / façade treatment</u>	The new roller doors will not be visible from the public domain.	Yes
<u>6 Safety and security</u>	The proposed addition of roller doors will not impact on sightlines, natural surveillance or lighting.	Yes
<u>7 Carparking requirements</u>	There is no change to car parking requirements.	Yes
<u>16 Industrial development adjoining a residential zone</u>	There will be no change to the streetscape or amenity impacts to adjoining residents such as overshadowing and privacy.	Yes
<u>19 Jardine Street Industrial Estate</u>	The proposed roller doors will not alter the existing setbacks or impact on amenity of adjoining residences.	Yes
<u>21 Stormwater drainage requirements & flood study requirements</u>	The proposal will adversely impact on access to the existing stormwater easement on the site.	No

CHAPTER E2 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Concerns have been raised by the applicant regarding security. The proposal involves the installation of two roller doors to fully enclose the existing partially enclosed structure. The proposed roller doors will not be lockable but will be coupled with a motion sensing alarm. The applicant intends that the roller doors will act as a visual deterrent.

Given that the unit has never been approved as fully enclosed or secured, the user of the unit cannot expect to safely store valuable items there. Further, the proposed unlocked doors would not guarantee or prevent criminal activity.

It is considered that appropriate security lighting, CCTV and signage can assist with enhancing security of the unit. These measures can be employed without impacting on access to the existing stormwater drainage infrastructure on the site.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is within a medium flood risk precinct. The application was referred to Council's Stormwater Development Engineer who raised concerns in regard to this.

CHAPTER E14 STORMWATER MANAGEMENT

Section 11.4.4(1)(a) states that building over Council stormwater easements is generally prohibited. However, Council may consider the construction of extremely light structures such as carports, pergolas, or other like minor structures over easements, subject to the approval of the Manager Infrastructure.

The lightweight structures identified in the controls are minor open structures. The proposal would fully enclose the structure contrary to the DCP controls.

The proposal to fully enclose the existing structure was referred to Council's Stormwater Development Engineer, who was not supportive of the proposal, as discussed above.

The original structure was approved as an open awning (DA1997/785) and access to Council's stormwater easement was to be maintained under this DA. Whilst partial enclosure of the awning was approved, numerous applications to fully enclose the structure have been withdrawn or refused by Council (as discussed above in the application history).

The applicant states that Council will be able to gain access as the roller doors can be lifted up when required. The roller doors will fully enclose the structure contrary to the above controls and have the potential to impede access should they not be adequately maintained, be damaged or should a future user of the site (being unaware of Council's required access) place locks on them. This is not an acceptable arrangement as it does not guarantee unimpeded ongoing access. Further, the roller doors will be fitted with a sensor and an alarm and this will be activated each time access is gained for maintenance or when works are carried out resulting in a detrimental impact on the surrounding residences and uses. Additional time and planning will be required to access the easement to avoid disturbance to the adjoining neighbours and to ensure access.

Accordingly, the proposal is contrary to the above control, would result in unacceptable impacts and cannot be supported.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$7,000 therefore a levy is not applicable under this plan as the threshold value is \$100,000.

2.4 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.

2.5 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?

N/A.

93 Fire safety and other considerations

N/A.

94 Consent authority may require buildings to be upgraded

N/A.

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

There are expected to be adverse environmental impacts on the natural or built environment as a result of the proposed development. The proposal is considered to have a significant impact on Council's requirement to access and maintain the existing drainage infrastructure on site as discussed above.

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

Does the proposal fit in the locality?

The proposed full enclosure of the existing structure is contrary to Council's DCP controls and will impeded access to stormwater drainage infrastructure resulting in potential impacts to surrounding properties. Accordingly, the proposal is deemed to be unsatisfactory in this regard.

Are the site attributes conducive to development?

The site is constrained due to the stormwater infrastructure running through the site. The proposed development is deemed to be unsatisfactory as it will impede access to this infrastructure, as discussed above.

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

The application was notified in accordance with Council's Notification and Advertising Policy. See Section 1.5 of this report for further discussion.

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

The proposal will result in impeded access to Council's stormwater infrastructure and has potential to adversely impact upon surrounding properties. The proposal is deemed not to be in the public interest.

3 CONCLUSION

This application has been assessed as unsatisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and not have regard to the objectives of the zone and

other relevant clauses. It is inconsistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009, Wollongong DCP 2009, Codes and Policies.

The proposal involves variations to under WDCP2009 which have been assessed as reasonable. Internal referrals are unsatisfactory, and submissions have been considered in the assessment.

It is considered that the proposed development has not been designed appropriately given the nature and characteristics of the site and is likely to result in significant adverse impacts on the character or amenity of the surrounding area.

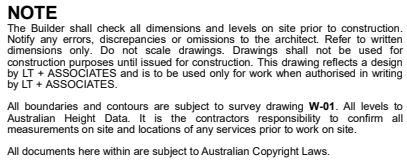
4 RECOMMENDATION

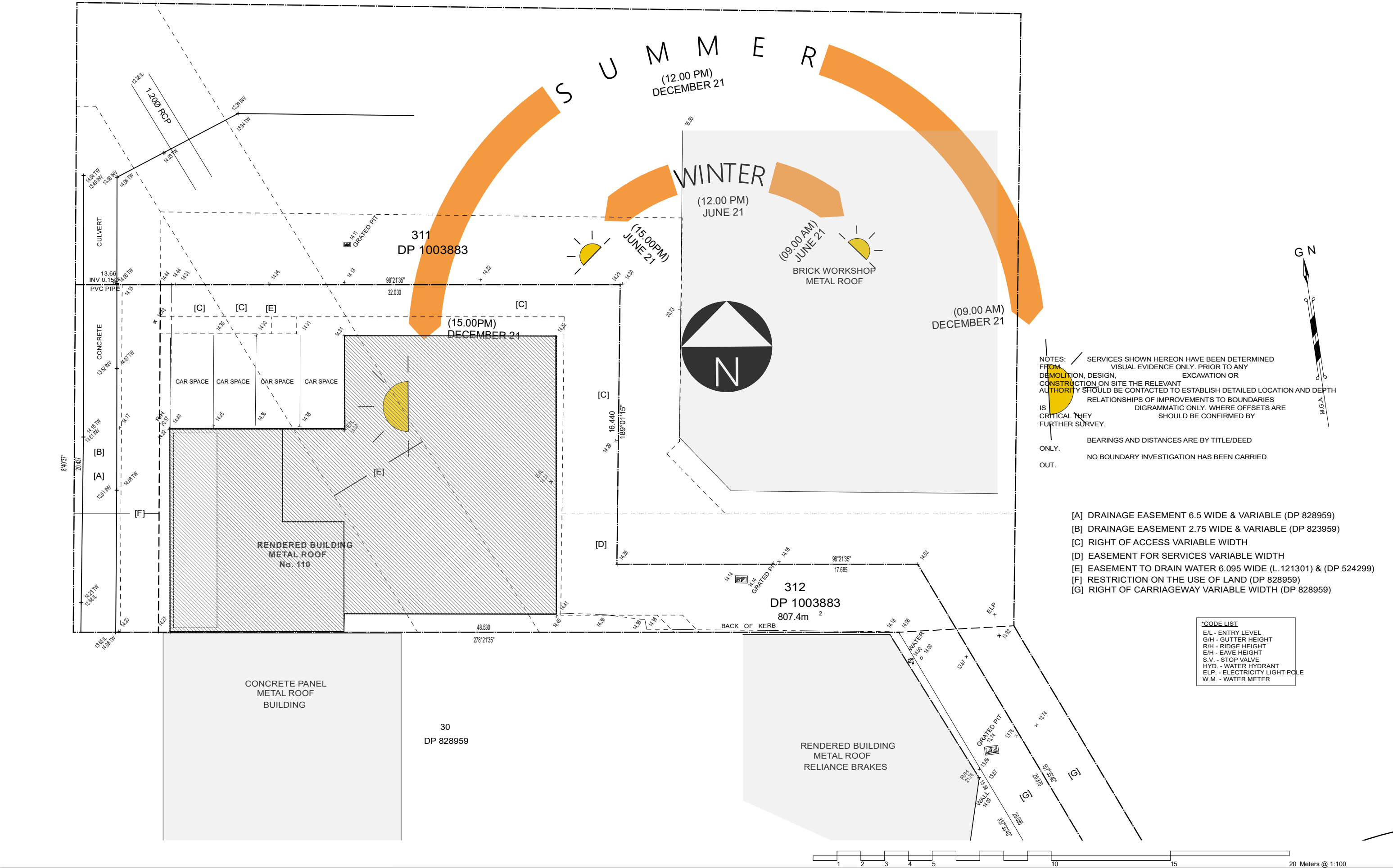
This application has been assessed having regard to the Heads of Consideration under Section 4.15(1), 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

It is recommended that the Review of Determination application be **refused** for the reasons outlined in attachment 3.

5 ATTACHMENTS

- 1 Plans
- 2 Aerial photograph and WLEP 2009 zoning map
- 3 Draft reasons for refusal





NOTE
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by LT + ASSOCIATES and is to be used only for work when authorised in writing by LT + ASSOCIATES.
All boundaries and contours are subject to survey drawing W-01. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.
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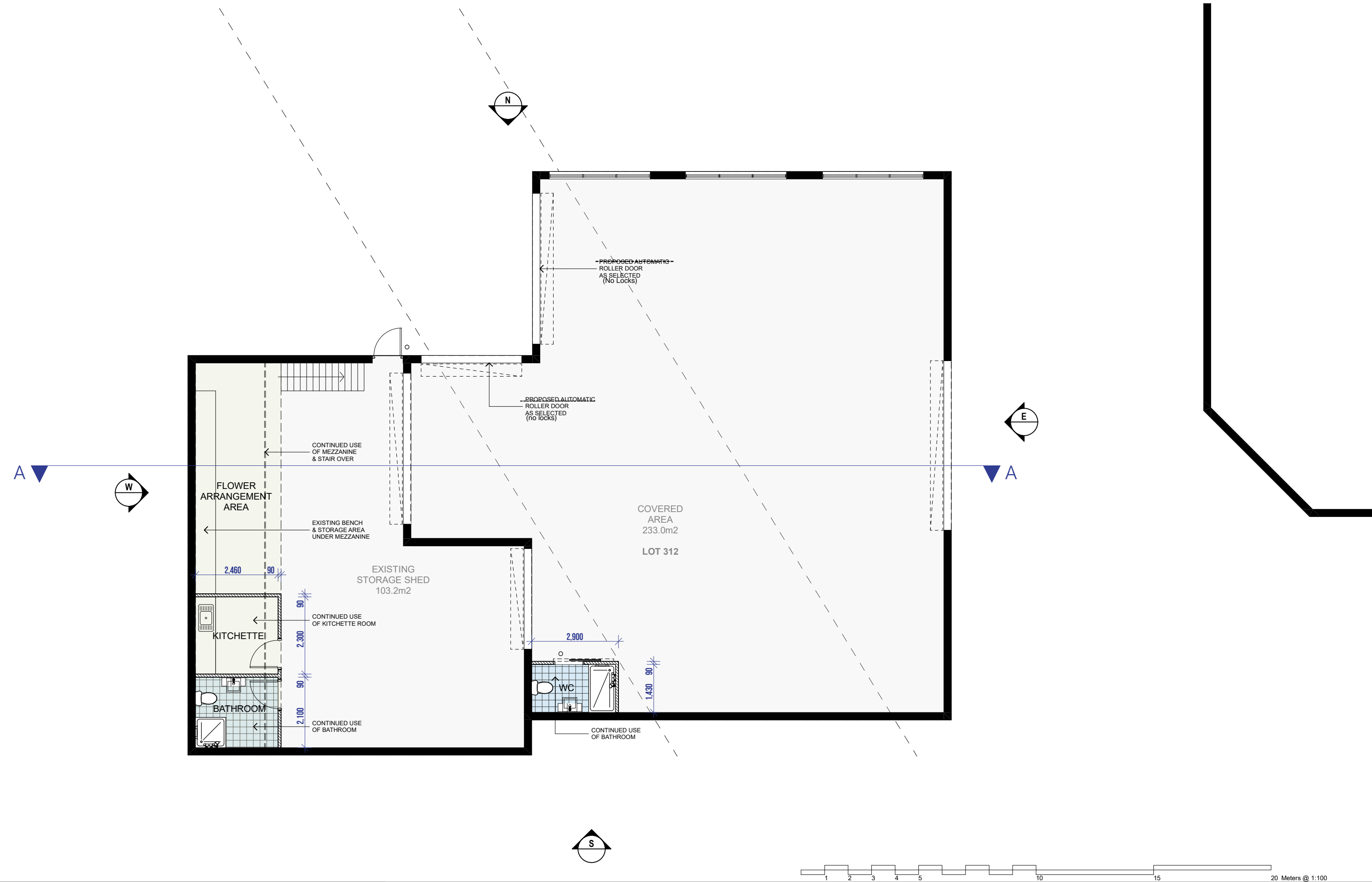
LT + ASSOCIATES P/L
PO BOX 417
SWANSEA NSW 2282
02 8279 2266
lauran@ltaa.com.au
www.ltaa.com.au
Nominated Architect | Luran Trevena 10054
ABSA NaTHERS Assessor 101479



Drawn | Checked
Plot Date: 23/10/2018
Project NO. 18LTA221
Project Status: DEVELOPMENT APPLICATION
Client: ENZO CONTI
Site: 110 JARDINE STREET FAIRY
Climate Zone: MEADOW NSW 2519 Australia
Wind Region:

DRAWING TITLE :
DEVELOPMENT APPLICATION
SITE ANALYSIS PLAN
PROJECT NAME : 110 JARDINE STREET FAIRY MEADOW

REVISION NO.
B
DRAWING NO.
DA.3



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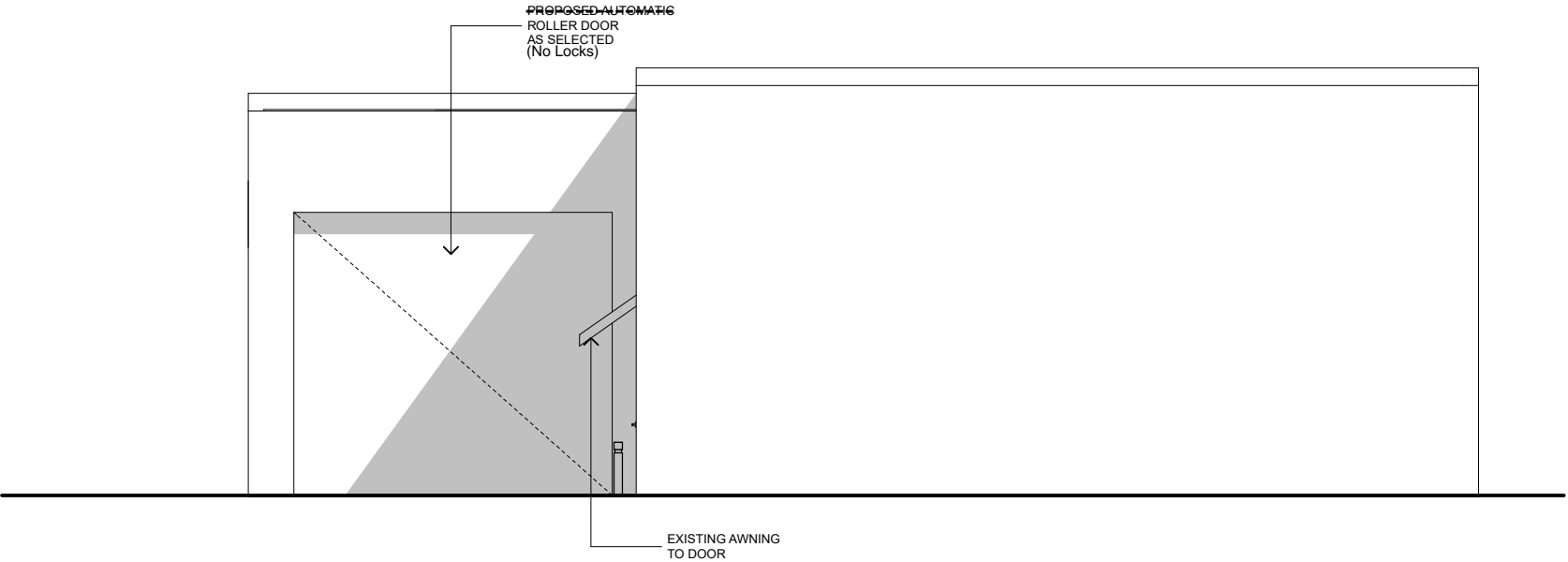
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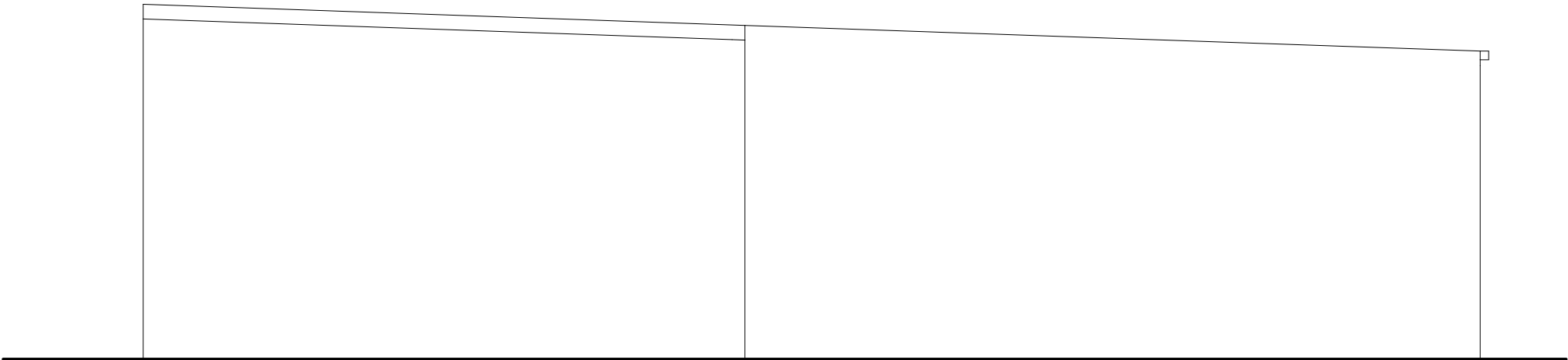
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DRAWING TITLE :
DEVELOPMENT APPLICATION
FLOOR PLAN
PROJECT NAME : 110 JARDINE STREET FAIRY
MEADOW

REVISION NO.
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DRAWING NO.
DA.4



2 WEST ELEVATION
1:100



1 SOUTH ELEVATION (1)
1:100

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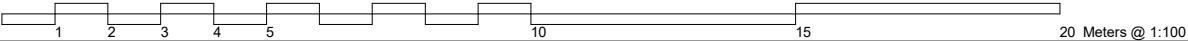
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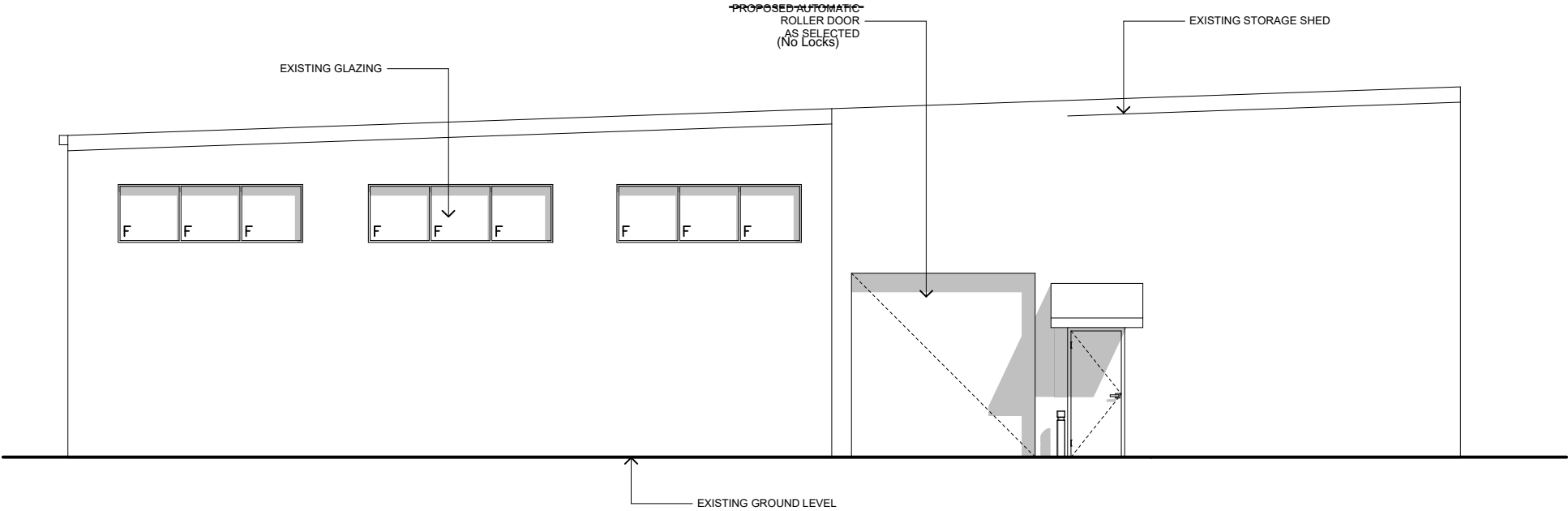


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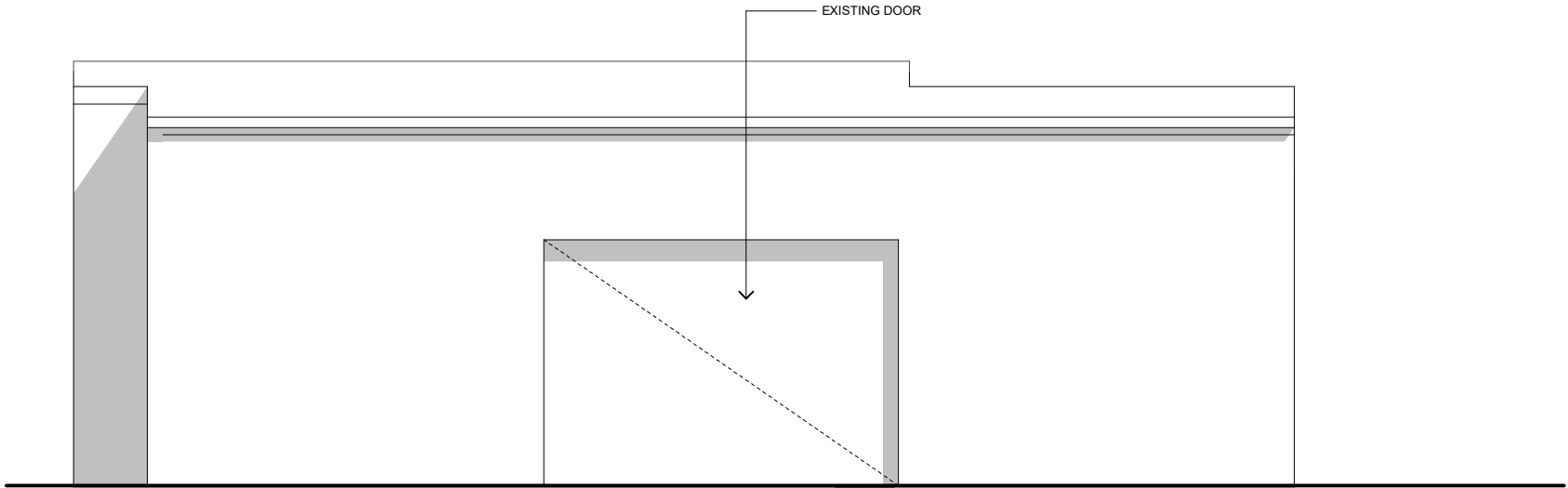
DRAWING TITLE :
DEVELOPMENT APPLICATION
ELEVATIONS 2
PROJECT NAME : 110 JARDINE STREET FAIRY MEADOW

REVISION NO.
B
DRAWING NO.
DA.6





1 NORTH ELEVATION
1:100



2 EAST ELEVATION
1:100

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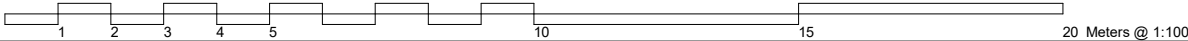
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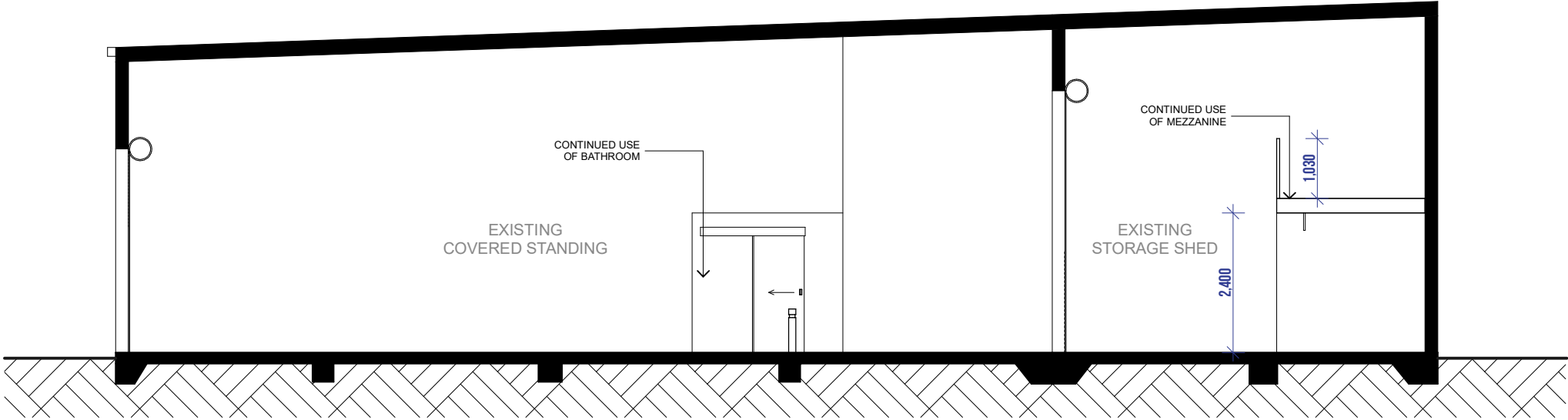


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DRAWING TITLE :
**DEVELOPMENT APPLICATION
ELEVATIONS 1**
**PROJECT NAME : 110 JARDINE STREET FAIRY
MEADOW**

REVISION NO.
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DRAWING NO.
DA.5





1 SECTION A-A
1:100

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DRAWING TITLE :

DEVELOPMENT APPLICATION
SECTION A-A

PROJECT NAME :

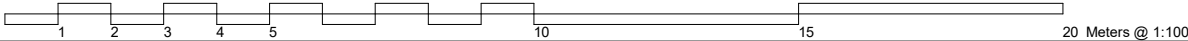
**110 JARDINE STREET FAIRY
MEADOW**

REVISION NO.

B

DRAWING NO.

DA.7



Attachment 2: Aerial photograph, zoning and site photograph



Figure 1: Aerial photograph

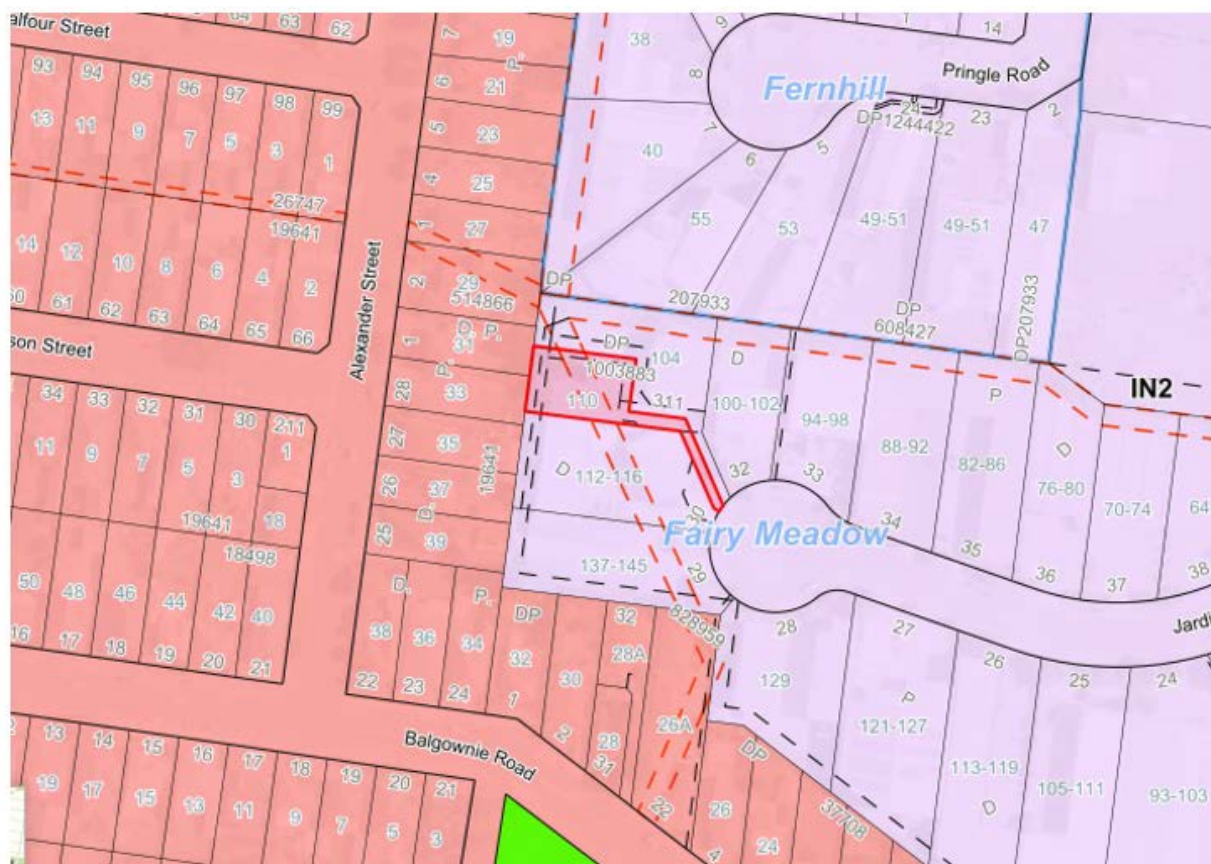


Figure 2: WLEP 2009 zoning map



Figure 3: Site photograph

ATTACHMENT 3 – DRAFT REFUSAL

- 1 Pursuant to the provisions of 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the application submission fails to demonstrate consistency with the provisions of the Wollongong Local Environmental Plan 2009 as follows:
 - Clause 1.2 Aims of Plan
 - The proposed development is not consistent with the constraints of the land and does not allow the existing infrastructure to be appropriately serviced.
 - Clause 2.3 objectives, as the proposal limits effective access and management of the site to appropriately maintain the drainage infrastructure impacting on industry and other land uses.
 - Clause 7.3 objectives, as the development will adversely affect flood behaviour, significantly alter flow distributions, and will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.
- 2 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the application fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009 as follows:
 - Chapter B5 Industrial Development
 - 21.2.1(2) Stormwater drainage requirements and flood study requirements, as the proposed development will impact on access to Council's stormwater drainage infrastructure.
 - Chapter E14 Stormwater Management
 - 11.4.4 Building Over or Adjacent to Council's Easement, as the proposed development includes the full enclosure of Council's stormwater easement, limiting Council's access.
- 3 Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the application fails to demonstrate the proposed development will not have adverse impacts on the locality.
- 4 Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, it is considered the application fails to demonstrate site suitability as the proposal fails to adequately respond to and address site constraints.
- 5 Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is not considered to be in the public interest as it will limit Council's ability to appropriately and adequately manage and maintain existing stormwater drainage infrastructure.