Wollongong Local Planning Panel Assessment Report | 16 November 2021

WLPP No.	Item No. 3
DA No.	DA-2021/321
Proposal	Mixed Use Development comprising retail shops, gymnasium, childcare centre, basement parking and six (6) awning signs
Property	429-431 Princes Highway, WOONONA NSW 2517
Applicant	Mr Michael Trinh
Responsible Team	Development Assessment & Certification – City Wide Planning Team (RT)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the WLPP **for determination** pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the application is the subject of 10 or more unique submissions by way of objection.

Proposal

The proposal seeks consent for the construction of a mixed use development consisting of the following:

- Basement parking
- Retail premises (Food and Drink premises) and Neighbourhood shop;
- Gymnasium;
- Childcare centre; and
- Six (6) awning signs.

Permissibility

The subject site is zoned SP3 Tourist pursuant to Wollongong Local Environmental Plan (WLEP) 2009. Food and Drink Premises, Neighbourhood Shops, indoor recreation facilities (gymnasiums), childcare centres and advertising structures (awning signs) are permissible with consent in the SP3 zone.

Consultation

Details of the proposal were publicly exhibited in accordance with Council's adopted Community Participation Plan 2019. Twenty three (23) submissions were received. The issues identified are discussed at section 1.5 of this report

<u>Internal</u>

Details of the proposal were referred to Council's Stormwater, Traffic, Heritage, Environment Landscape, Health, Building and SCAT Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance. Assessment considerations of internal groups as relates to relevant Chapters of the WDCP 2009 are presented at section 2.3.1 of this report.

Main Issues

The main issues identified during the course of assessment are:-

- Exception to a development standard in respect of building height (Clause 4.3) of WLEP 2009 part non-compliance with 11m height maximum due to lift overrun(8.6%), roof slab (3.6%), skylights (0.13%) and solar panels(0.7%)
- Traffic and parking impacts
- Noise
- Overdevelopment of the site

RECOMMENDATION

DA-2021/321 be approved subject to the conditions provided in **Attachment 7**.

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 64 Advertising and Signage

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 application proposes the construction of a mixed use development comprising:

- Two (2) levels of basement parking;
- Ground floor Six (6) retail spaces for food and drink premises and neighbourhood shop, storage rooms, service rooms, bathrooms, ten (10) parking spaces and six (6) awning signs;
- First floor gymnasium, swimming pool, bathrooms and changing rooms, massage rooms, spa and office; and
- Levels 3 90 place Childcare Centre indoor and outdoor areas, administration, office, staff room, kitchen and bathrooms.

1.3 BACKGROUND

The development history of the site is as follows:

Application Number	Description	Decision	Decision Date
BA-1954/562	Petrol Filling Station	Approved	12-May-1954
BA-1960/161	Dwelling & Garage	Approved	17-Feb-1960
BA-1968/2712	Additions To Service Station	Approved	23-Dec-1968
BA-1991/1256	Four (4) Shops convenient Store Plus Petrol	Approved	10-Sep-1991
BA-1994/1434	Internal Shop Fitout	Approved	19-Aug-1994
DA-2011/700	Commercial - demolition of structures	Approved	28-Jul-2011

PL-2017/102	Serviced Apartments with neighbourhood shops on ground floor with basement car park	None	13-Sep-2017
PL-2020/177	Construction of a new commercial development which includes six (6) food and drink premises on ground floor, fitness centre located on first floor and a 114 place child care centre	Completed	17-Dec-2020
DA-2021/321	Mixed Use Development comprising retail shops, gymnasium, childcare centre and basement parking	Current Application	

Customer service actions:

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

1.4 SITE DESCRIPTION

The site is located at 429-431 Princes Highway, WOONONA and the title reference is Lot 1 DP 830398.

The subject site is currently vacant. Vehicular parking for the site is via road opening off the Princes Highway.

The land is an irregular shaped allotment with an overall site area of 2263m². The site has a slight slope to the front of the block with a cross fall to the South.

The street scene on the Eastern side of the Princes Highway in the immediate vicinity is characterised by a mixture of land uses including retail and commercial development and registered club, Woonona-Bulli RSL, with associated outdoor recreation facilities. The street scene on the Western side of the Princes Highway is characterised by a childcare centre, retail development, aged care facility and medium density residential development. Adjoining development consists of a two storey mixed use building to the North, a registered club, Woonona Bulli RSL to the South and residential development to the rear.



Figure 1: Aerial photograph (2020)

Property constraints

- Flooding: The site is identified as being located within a uncategorised flood risk precinct.
- Contaminated Land
- Acid sulphate soils Class 5
- Easement:
 - Right of Carriage way (3m wide)

There are no restrictions on the title.

1.5 SUBMISSIONS

Details of the proposal were publicly exhibited in accordance with Council's adopted Community Participation Plan 2019. Twenty three (23) submission was received. The main issues identified within the submissions are discussed below.

Table 1: Submissions

Cor	ncern	Comment
1.	Over development of Child care, Gymnasium and Neighbourhood Shop land uses within the suburb	The subject site is zoned SP3 Tourist. Under Wollongong Local Environmental Plan 2009 Land Use Table Centre based child care centres, indoor recreation facilities (gymnasiums), food and drink premises and neighbourhood shops are listed as permitted land uses in the SP3 zone.
		The proposed development is considered to satisfy the objectives of the zone and in keeping with the future desired character of the area.
		Initial concerns were raised by Council with regard to the number of child care places proposed, 110. Amended Architectural plans and documentation were provided by the applicant indicating a reduction in the number of child care places to 90. These amended plans and documentation have been reviewed by Council and are considered to resolve concerns raised.
2.	Overshadowing in summer	The proposed development will have minimal impact on the adjoining dwellings in terms of overshadowing for the following reasons:
		- Reasonable setbacks have been proposed to the site boundaries.
		 Reasonable separation distances have been maintained between the proposed development and the residential development to the North east. Reasonable building heights have been proposed. The proposed development does propose an exception to the height of building development standard. However, the extent to which the proposed development exceeds the 11m height limit is considered minor being the lift over run, an area of the roof slab, skylights and solar panels located towards the centre of the site and

Concern Comment	
	considered will have minimal impact on surrounding development in terms of solar access. The proposal complies with bulk and scale controls. Submitted shadow diagrams are considered satisfactory and detail reasonable solar access between 9am and 3pm on 21 June as required by WDCP 2009 Chapter B3, which in turn would indicate reasonable solar access could be achieved in the summer months when the sun is at a higher angle.
3. Privacy	The proposed development will have minimal impact on the adjoining development in terms of overlooking for the following reasons:
	 The upper level windows on the eastern elevation are to allow light and ventilation to the child care centre rooms and access corridor for the lift and offices and/or surveillance of the outdoor play area and are set well back from the site boundaries. The windows to the first floor are highlight windows to allow some passive surveillance of the car park to the rear of the building. Landscaping is proposed to the Eastern boundary of the subject site. Reasonable setbacks generally have been
4. Noise Impacts	maintained to the site boundaries. Consideration was given to impacts of noise on residential development within the vicinity of the proposed development.
	Details of the application submission including the submitted acoustic report were referred to Council's Environment Officer for comment. Council's Environment Officer raised concerns with regard to noise and the applicant was requested to provide an amended Acoustic Report to address items such as noise from childcare and gym operation, 6 food outlets and centralised exhaust system was not stated in the report. An amended acoustic report with recommendations was provided by the applicant resolving concerns raised.
	Conditions 12, 61 and 118 included at Attachment 7 account for compliance with the recommendations of the Acoustic report such that noise levels do not exceed permitted levels.
5. Hours of Operation	Details of the application submission including the proposed hours of operation were referred to Council's Environment Officer for comment. Advice received is

Concern		Comment
		that the proposed hours of operation are considered acceptable in this circumstance.
6.	Car Parking and traffic impacts	Details of the application including a Traffic Impact Assessment report were referred to Council's Traffic Officer for assessment.
		Concerns were raised by Council's Traffic Officer with regard to the number of parking spaces provided for the proposed development. The applicant submitted amended plans and documentation reducing the number of child care places to 90 along with a letter of response from the applicants Traffic Consultant.
		These amended plans and documentation have been reviewed by Council's Traffic Officer and are considered to resolve concerns raised.
		It is considered that the traffic generated by the proposed development will not be unreasonable in this circumstance, and is within the environmental capacity of the local road network.
		Concerns were raised by Council's Traffic Officer at the pre-lodgement meeting stage regarding access. The plans provided for the Development application indicated that the applicant had addressed these concerns by setting the building back to improve site lines. Council's Traffic Officer has reviewed the plans with regard to access and considers that the plans resolve concerns raised regarding site distance and the proposal complies with AS2890.1 Figure 3.2.
		The proposed development is considered to satisfy Council's onsite car parking and access requirements in this circumstance.
7.	Existing Right of Way	The development as proposed does not encroach within the existing right of way.
8.	Flooding	Details of the application including a flood study were referred to Council's Stormwater Officer for assessment against Council's flood planning controls. Advice received is that the proposed is considered conditionally satisfactory.
		Conditions as at Attachment 7 account for the OSD design, acceptance and catering for flows from adjoining properties and stormwater run-off from the proposed development such that is not directed so as to have an adverse effect on adjoining properties.
9.	Siting/location of child care centre	Consideration was given to the location of the proposed child care centre in relation to the surrounding land uses in particular the registered club (Woonona-Bulli RSL) to the South of the subject site.

Concern	Comment
	It is considered that the location/siting of the proposed child care centre is acceptable in this circumstance for the following reasons:
	• The child care centre has reasonable physical separation from the registered club.
	 The proposed child care centre has a separate entrance away from the club on the Princes Highway whereas the vehicular entrance to the club is located on Nicholson Road.
10. Potential increased crime	Concerns were raised regarding a potential increase in crime in the area as a result of the proposed development.
	An assessment of the proposal against Council's Crime Prevention Through Environmental Design principles was undertaken and the proposal considered satisfactory - see section Attachment 4 .
11. Structural Impacts on adjoining building to the North	Consideration was given to the structural impacts of the proposed development on the adjoining property to the North.
	To alleviate concerns condition 55 at Attachment 7 requires structural engineering design of footings, reinforced concrete slabs, retaining walls and structural steel work. Condition 50 at Attachment 7 requires a dilapidation survey and report of existing public and private infrastructure and buildings on adjoining properties and repair of any damage to buildings, infrastructure or relics.
	Conditions 69 to 71 at Attachment 7 account for excavation protection of adjoining properties and safe excavation.

Table 2: Number of concerns raised in submissions

Concern	1	2	3	4	5	6	7	8	9	10	11
Frequency	18	3	2	11	1	16	1	1	1	1	1

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Stormwater Officer

Council's Stormwater Officer has assessed the application submission in regard to traffic and stormwater matters and provided conditionally satisfactory advice.

Landscape Officer

Council's Landscape Officer has assessed the application submission and provided conditionally satisfactory advice.

Environment Officer

Council's Environment Officer has assessed the application submission and provided conditionally satisfactory advice.

It is noted that particular consideration was given noise impact by Council's Environment Officer.

Council's Environment Officer raised concerns with regard to noise and the applicant was requested to provide an amended Acoustic Report to address items such as noise from childcare and gym operation, 6 food outlets and centralised exhaust system was not stated in the report. An amended acoustic report with recommendations was provided by the applicant. The amended acoustic report has been reviewed by Council's Environment Officer and is considered to resolve concerns raised.

Traffic Officer

Council's Traffic Officer has assessed the application submission in regard to traffic and stormwater matters and provided conditionally satisfactory advice.

It is noted that particular consideration was given to vehicular access and parking by Council's Traffic Officer.

Concerns were raised by Council's Traffic Officer at the pre-lodgement meeting stage regarding access. The plans provided for the Development application indicated that the applicant had addressed these concerns by setting the building back to improve site lines. Council's Traffic Officer has reviewed the plans with regard to access and considers that the plans resolve concerns raised regarding site distance and the proposal complies with AS2890.1 Figure 3.2.

Concerns were raised by Council's Traffic Officer with regard to the number of parking spaces provided for the proposed development. The applicant submitted amended plans and documentation reducing the number of child care places to 90 along with a letter of response from the applicants Traffic Consultant.

These amended plans and documentation have been reviewed by Council's Traffic Officer and are considered to resolve concerns raised.

Heritage Officer

Council's Heritage Officer has assessed the application submission and provided conditionally satisfactory advice.

Health Officer

Council's Health Officer has assessed the application submission and provided conditionally satisfactory advice.

Building Officer

Council's Building Officer has assessed the application submission and provided conditionally satisfactory advice.

Safer Community Action Team (SCAT) Officer

Council's SCAT officer has assessed the application submission and considered it conditionally satisfactory.

1.6.1 EXTERNAL CONSULTATION

There was no external consultation required for the proposed development.

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

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

7 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless:
 - (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Detailed Site Investigation was conducted by Reditus was submitted and reviewed by Council's Environmental Officer.

The report has identified two Potential Areas of Environmental Concern (PAECs) and they are:

• Two (2) lead hotspots;

A Remediation Action plan (RAP) has been prepared by Reditus dated 6 September 2021 which details the procedure for site remediation so that the site will be suitable for the proposed use.

In accordance with Clause 7(2) Council's Environmental Officer has reviewed the history of the site in conjunction with the report prepared by Reditus and notes that the site has two Lead impacted hotspots. Conditions are included at **Attachment 7** for unexpected finds, requiring site remediation in accordance with the RAP and a Site Validation Report confirming that the site has been satisfactorily remediated and is suitable for the proposed development so as to satisfy Clause 7(1)(c).

The site is therefore considered that the site can be made suitable for the proposed development and consistent with the assessment considerations of SEPP 55. See **Attachment 6** as relates to the environmental consultants address to clause 7 matters.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

The proposal is categorised as a Centre-based Child Care Facility.

Centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Part 3 Early education and care facilities—specific development controls

22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development

Concurrence with the regulatory authority is required if the application proposes any inconsistency with Regulation 107 and 108 of the Education and Child Care Services National Regulations.

The proposed centre based child care centre is consistent with the Regulation 107 and 108 of the Education and Care Services National Regulation, relating to indoor and outdoor unencumbered space requirements (see Clause 25 below). Concurrence with the regulatory authority is therefore not required for this development application.

23 Centre-based child care facility—matters for consideration by consent authorities

The requirements of the Child Care Planning Guidelines have been considered as part of this assessment. See compliance table below.

25 Centre-based child care facility—non-discretionary development standards

- (2) The following are non-discretionary development standards for the purposes of section S4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:
 - (a) location—the development may be located at any distance from an existing or proposed early education and care facility,

Noted.

- (b) indoor or outdoor space
 - (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <u>Education and Care Services National Regulations</u> applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations

Comment:

Regulation 107 requires 3.25m² of unencumbered indoor space per child. Unencumbered indoor space is to be space devoted specifically for the use of children at the child care centre and is to exclude storage areas, door swing areas, circulation areas etc. The table below shows all proposed indoor areas exceed the minimum required area.

Unencumbered Indoor Space	Number of children	Total area	m² provided per child
Area A	12	50m²	4.17
Area B	18	59m²	3.28
Area C	20	66m²	3.3
Area D	20	99m²	4.95
Area E	20	98m²	4.9
Total	90	372m²	4.13

Regulation 108 requires at least 7m² of unencumbered outdoor space.

A total of 90 students are proposed, with an unencumbered outdoor area of 811m². This represents an area of 9.01m² per child, which exceeds the required minimum amount (630m²).

- (c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,Noted.
- (d) Colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

Building or site does not impact any items of local or state heritage significance and is not located in a heritage conservation area.

26 Centre-based child care facility—development control plans

- (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:
 - (a) operational or management plans or arrangements (including hours of operation),
 - (b) demonstrated need or demand for child care services,
 - (c) proximity of facility to other early childhood education and care facilities,
 - (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
 - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
 - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).
- (2) This clause applies regardless of when the development control plan was made.

Comment:

The application had been assessed in accordance with the requirements of the Child Care Planning Guideline with the compliance table at **Attachment 5** and only the relevant controls within the Wollongong Development Control Plan 2009 at **Attachment 4**.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 102 (Road) of the SEPP (Infrastructure) 2007 applies to noise sensitive development on the subject site. Therefore the Council must consider any guidelines that are issued by the Director-General and are published in the Government Gazette. In this regard, on 19 December 2008, the

"Development Near Rail Corridors and Busy Roads – Interim Guideline" (herein after referred to as "the guidelines") was gazetted and in terms of the proposed development, must be taken into consideration during this assessment.

Details of the application submission including an Acoustic Report prepared by Rodney Stevens Acoustics dated 2 July 2021 were reviewed by Council's Environment Officer having regard to Clause 102 of SEPP (Infrastructure) 2007 as the proposed development is adjacent to the Princes Highway and contains noise sensitive development. Satisfactory referral advice, comment and/or recommended conditions were provided with respect to Road Noise and vibration in this instance.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

Signage is proposed with the proposed development and as such SEPP 64 is applicable.

The proposed signage is as follows:

• Six (6) awning (below awning) signs.

An assessment against this policy as outlined below.

1 Character of the area

 Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

The site is zoned SP3 Tourist with business zone adjoining to the North. The proposed signage is well separated from residential development on the South western side of the Princes Highway and to the rear of the site. There is a range of signage within the immediate vicinity of the subject site. It is considered that the proposal is in keeping with the amenity or character of the locality.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?
 The proposal will result in signage which will not be consistent with signage in the general locality.

2 Special areas

 Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

The proposed signage is not expected to detract from the amenity or visual quality of the area.

3 Views and vistas

Does the proposal obscure or compromise important views?

No. The proposal it is considered will not impact on any important views.

Does the proposal dominate the skyline and reduce the quality of vistas?

No. The proposed signage it is considered will not to dominate the skyline or reduce the quality of vistas.

Does the proposal respect the viewing rights of other advertisers?

Yes. The proposal will have minimal impact on the viewing rights of other advertisers as the proposed signage relates to the business.

4 Streetscape, setting or landscape

 Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Yes. The proposed signage is considered to be appropriate for the streetscape. There is a range of signage within the immediate vicinity of the subject site.

- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
 The proposal is considered to contribute to the visual interest of the streetscape.
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
 The proposal does not appear cluttered and is of an appropriate size and scale for the site.
- Does the proposal screen unsightliness?

The proposed signage does not screen unsightliness.

- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
 No. The proposal is for six (6) below awning signs.
- Does the proposal require ongoing vegetation management?
 The proposal does not require ongoing vegetation management.

5 Site and building

• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Yes. It is considered that the proposed signage is compatible with the scale, proportion and other characteristics of the building.

- Does the proposal respect important features of the site or building, or both?
 - Yes. The proposed signage will be ancillary to the use of the site as a food and drink premises and neighbourhood shop and as such is compatible with the site.
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposal follows a similar design to other similar premises in the LGA.

6 Associated devices and logos with advertisements and advertising structures

 Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

No safety devices or platforms form part of the proposal.

7 Illumination

Would illumination result in unacceptable glare?

No. The signage is not proposed to be illuminated via neon or light boxes.

Would illumination affect safety for pedestrians, vehicles or aircraft?

Not Applicable. It is noted that details of the application submission were referred to Council's Traffic Officer and no issues were raised with regards to the advertising signage.

- Would illumination detract from the amenity of any residence or other form of accommodation?
 Not Applicable. No illumination proposed.
- Can the intensity of the illumination be adjusted, if necessary?

Not Applicable. Not Applicable. No illumination proposed.

Is the illumination subject to a curfew?

Not Applicable. Not Applicable. No illumination proposed.

8 Safety

- Would the proposal reduce the safety for any public road?
 - The proposal is not envisaged to increase risks to public safety.
- Would the proposal reduce the safety for pedestrians or bicyclists?
 - The proposal is not expected to reduce the safety for any pedestrians or bicyclists. Details of the application submission were referred to Council's Traffic Officer and no issues were raised with regards to the advertising signage.
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

The proposal is not expected to reduce the safety for any pedestrians and does not obscure any sightlines. Details of the application submission were referred to Council's Traffic Officer and no issues were raised with regards to the advertising signage.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note-

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note-

Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.

Mixed use development means a building or place comprising 2 or more different land uses.

Neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

Note-

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of shop—see the definition of that term in this Dictionary.

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

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 **SP3 Tourist**.



Figure 2: WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone SP3 Low Density Residential are as follows:

• To provide for a variety of tourist-oriented development and related uses.

It is considered that the proposed multi-dwelling housing use is generally satisfactory with regards to the above objectives for Zone R2 Low Density Residential.

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

ZONE SP3 Tourist permitted uses:

Advertising structures; Amusement centres; Aquaculture; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Entertainment facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Marinas; Markets; Moorings pens; Moorings; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Tourist and visitor accommodation; Water recreation structures

The proposal is categorised as mixed use development consisting of centre based childcare, food and drink premises, neighbourhood shops and recreation facility (indoor) which are permissible in the SP3 Tourist zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

This clause prescribes a maximum height of 11 metres for the Site, as shown on the Height of Buildings Map. The proposal has a maximum overall height of 11.95m. The proposed development does not comply in full with Clause 4.3 and a departure request statement has been provided by the applicant addressing Clause 4.6 of the LEP. A copy is provided at **Attachment 3**.

- (1) The objectives of this clause are as follows:
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The building departs from the development standard (as depicted by the grey shaded areas circled in red in the diagrams below) as follows:-

The proposed mixed use building has an overall height of 11.95m to the lift overrun and 11.4m to the roof which exceeds the maximum height of 11m shown for the land on the Height of Buildings Map. See Figure 3 below.

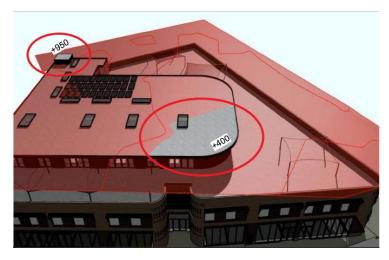


Figure 3: Height plane diagram with maximum building height of 11.95m for the lift overrun and 11.4 for the roof circled in red.

Elsewhere elements of the building slightly exceed the 11m height limit. The following lists the extent of the departures:

Skylights and solar panels. See Figure 4 below.

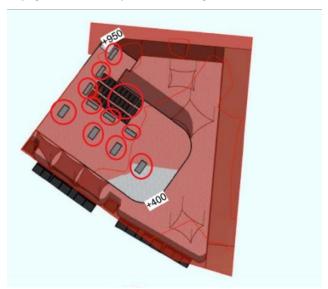


Figure 4: Height plane diagram of the roof showing skylights and solar panels exceeding the 11m height circled in red.

Percentage Exceedance of each element is as follows:

Lift Overrun: 8.6%

Roof: 3.6%

Skylights: 0.13%

Solar Panels: 0.7%

Clause 4.4 Floor space ratio

The proposed development does not comprise additional gross floor area to the site.

Maximum FSR permitted for the site: 1.5:1

FSR provided for Site: $3189.66m^2/2263m^2 = 1.409:1$

The floor space ratio does not exceed the maximum permissible for the site.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the Wollongong LEP "Exceptions to development standards" provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument, where certain matters are met.

In this instance, a departure is sought in respect of Clause 4.3 Height of Buildings. The applicant has provided a departure request statement prepared with reference to Clause 4.6. A copy is provided at **Attachment 3**. The development departure is dealt with as follows.

WLEP 2009 clause 4.6 pt	roposed development departure assessment
Development	Clause 4.3 Height of buildings
departure	Clause 4.3(2) requires the maximum height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. For the subject site, a maximum height of buildings of 11m applies.
Is the planning control in question a development standard	Yes
4.6 (3) Written request s	submitted by applicant contains a justification:
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes
4.6 (4) (a) Consent author	ority is satisfied that:
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The applicant's written request seeks to justify that compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of this case as: • The proposal is considered to achieve the objectives of the development standard;
	The proposal is considered to achieve the objectives of the SP3 Zone;
	There are sufficient planning grounds to vary the height of building development standard in this circumstance for the following reasons:
	 The 0.95m exceedance of the height limit is due to the lift over- run of the second lift dedicated to provide a secure point of access separate to that of the other uses in the building and enable compliance with Child Care Planning Guideline.

- The 0.45m exceedance of the 11m height limit by the roof slab is due to site topography and the need to adopt consistent FFL's to the first and second floor which provides for a better functionality outcome for the recreation facility and the child care centre than a split level floor would otherwise provide.
- The additional height is not anticipated to result in detrimental environmental planning outcomes, with respect to adverse solar access, or visual or acoustic privacy impacts on site, or to neighbouring properties.
- The departure to the height standard furthers the objects of the Environmental Planning and Assessment Act 1979 as set out below:
 - To promote the orderly and economic use and development of land;
 - To promote good design and amenity of the built environment through the provision of suitable finished levels to the development and the provision of lift access.;

A copy of the applicant's Clause 4.6 Statement is provided at **Attachment 3**. The written request has adequately addressed the matters required to be addressed under subclause (3).

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

WLEP2009 Clause 4.3 provides the following objectives for the Height of buildings development standard:

- (1) The objectives of this clause are as follows:
 - (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the Height of buildings development standard as follows:

(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved.

The overall height of the development presents as a compatible form of development noting that the development adopts a 3 storey form. The proposed development complies with Council's floor space ratio development standard and provides boundary setbacks greater than that required under the WDCP 2009 to the proposed third storey. The extent to which the proposed development exceeds the 11m height limit is considered minor being the lift over run (8.6%), an area of the roof slab (3.6%), skylights (0.13%) and solar panels (0.7%). The building it is considered will present as a compliant three storey building to the street.

(b) to permit building heights that encourage high quality urban form.

It is considered the design of the proposal achieves a high quality urban form and outcome. The heights of the actual building presents as a 3 storey form, a form that is considered consistent with the zone and a 11m building height.

(c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight

It is considered that the proposed development will have minimal impact on views or solar access to adjoining properties.

The objectives for development in the SP3 zone are:

 To provide for a variety of tourist-oriented development and related uses.

The proposal is for a mixed use development which is consistent with the objectives for the zone as listed above.

The proposal is considered consistent with the zone objectives and the objectives as detailed for the Height of buildings development standard under WLEP2009 and therefore despite the development departure, the development is considered within the public interest.

the concurrence of the Secretary has been obtained.

In accordance with Planning Circular PS 18-003 dated 21 February 2018 the concurrence of the Secretary is assumed for Council - DEPARTURES UP TO 10% and their established Local Planning Panels for applications made with a supporting objection under Clause 4.6.

Council comment:

It is considered the departures to the development standard for building height is capable of support.

Part 5 Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

Clause 5.4(7) prescribes a maximum retail floor area of 100m² for neighbourhood shops. The application proposes a neighbourhood shop with a floor area of 96m². The retail floor area of the proposed neighbourhood shop does not exceed the maximum permissible area.

Clause 5.10 Heritage conservation

The subject site is opposite the Woonona Post Office and Former Uniting Church which are listed as local heritage items under the WLEP 2009. Details of the application were referred to Council's Heritage Officer for comment. Advice received is that the proposed development is considered satisfactory.

Clause 5.21 Flood planning

The subject land is identified as being flood hazard affected. Council's Stormwater Officer has assessed the application submission in this regard against the submitted flood assessment report and has not raised any objections subject to conditions.

Part 7 Local provisions - general

Clause 7.1 Public utility infrastructure

The proposal has been assessed against Clause 7.1 of WLEP2009 and it is considered that the subject site is already serviced by public utilities.

Clause 7.5 Acid Sulfate Soils

The subject site is identified as being partially affected by Class 5 acid sulphate soils as at Figure 5 below. However, as the majority of the proposed works for the development are to be located outside of the area mapped as being affected by Class 5 acid sulphate soils and above 24m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. As such no special conditions are required in relation to Acid Sulphate Soils.



Figure 5: WLEP 2009 Acid Sulphate Soils map with Class 5 Acid Sulphate Soils shaded yellow

Clause 7.6 Earthworks

The proposal involves excavation to facilitate the proposal. The earthworks have been considered in relation to the matters for consideration outlined in Clause 7.6 and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land. Council's Environment and Stormwater Officer's have considered the application submission and have provided satisfactory referrals subject to conditions.

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.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment
- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance at this point in time

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.

The proposed SEPP provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance at this point in time.

It should be noted that a Detailed Site Investigation was conducted by Reditus was submitted and reviewed by Council's Environmental Officer.

The report has identified two Potential Areas of Environmental Concern (PAECs) and they are:

• Two (2) lead hotspots;

A Remediation Action plan (RAP) has been prepared by Reditus dated 6 September 2021 which details the procedure for site remediation so that the site will be suitable for the proposed use.

In accordance with Clause 7(2) Council's Environmental Officer has reviewed the history of the site in conjunction with the report prepared by Reditus and notes that the site has two Lead impacted hotspots. Conditions are included at **Attachment 7** for unexpected finds, requiring site remediation in accordance with the RAP and a Site Validation Report confirming that the site has been satisfactorily remediated and is suitable for the proposed development so as to satisfy Clause 7(1)(c).

It is considered the proposal will be satisfactory with regard to SEPP 55 matters.

Draft Design and Place SEPP

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

The Design and Place SEPP will establish principles for the design and assessment of places in urban and regional NSW: PRINCIPLE 1. Design places with beauty and character that people feel proud to belong to PRINCIPLE 2. Design inviting public spaces to support engaged communities PRINCIPLE 3. Design productive and connected places to enable thriving communities PRINCIPLE 4. Design sustainable and greener places for the wellbeing of people and the environment PRINCIPLE 5. Design resilient and diverse places for enduring communities

The draft Design and Place SEPP will go on public exhibition later in 2021 to provide more opportunities for feedback. Supporting guidance and tools, drafts of which will also go on exhibition with the draft SEPP. These guides include revisions to the Apartment Design Guide and improvements to the Building Sustainability Index (BASIX), as well as the proposed Urban Design Guide, and Design Review Guide. The Department is currently conducting workshops with Council's around the State.

It is considered the draft SEPP is of limited relevance at this point in time.

Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The new Housing SEPP will:

- consolidate five existing housing-related SEPPs:
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates.
- include the recently made provisions for short term rental accommodation and build-to-rent housing;
- include the recently updated social housing provisions;
- introduce provisions for co-living housing, a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces;
- incorporate amendments to boarding house and seniors housing provisions
- amend some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones.

The Housing SEPP is intended to be finalised in October 2021.

It is considered the draft SEPP is of limited relevance at this point in time.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables can be found at **Attachment 4** to this report.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2020

The estimated cost of works is \$7,356,000 and a levy of 1% is 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?

Not Applicable.

93 Fire safety and other considerations

Council's BCA Officer has assessed the application submission which included a BCA Report with regards to Fire Safety and returned a conditionally satisfactory referral response.

94 Consent authority may require buildings to be upgraded

Not Applicable.

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

Context and Setting:

In regard to the matter of context, the planning principle in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The proposed development is for a mixed use development mixed use development consisting of basement parking, retail premises (Food and Drink premises) and Neighbourhood shop, gymnasium; and centre based Childcare centre. It is considered that the building has been reasonably sited such that it satisfies the objectives of Council's boundary setback requirements so as to have minimal impact on the adjoining properties in terms of privacy and overshadowing and to allow reasonable solar access to adjoining development.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding character the area. The Eastern side of the Princes Highway in the immediate vicinity is characterised by a mixture of land uses including retail and commercial development and registered club with associated outdoor recreation facility. The street scene on the Western side of the Princes Highway is characterised by a childcare centre, retail development, aged care facility and medium density residential development. Adjoining development consists of a two storey mixed use building to the North, a registered club, Woonona Bulli RSL to the South and residential development to the rear. The proposed development satisfies the objectives of Council's Floor Space Ratio and Building Height development standards as identified in the WLEP 2009, and overall, the bulk and scale of the proposed development is considered acceptable in this circumstance.

The proposal will have minimal impact on the external built form, and no impact on the scale of the existing building and therefore will have minimal impact on the existing street scape.

The scale of the development as viewed from the street is considered comparable to other developments in the locality.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible lot size and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

Access to the site will be via an approved driveway to Council's formed roadway which adjoins Council's Local Road. The development is considered not to result in an adverse impact on the traffic movement and access to the site. Council's Traffic Officer has no objections to the proposed access arrangements subject to conditions included at **Attachment 7**.

Public Domain:

New paving is proposed to the site frontages as well as the pedestrian thoroughfare which would have a positive impact on the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities can be augmented to service the proposal.

Heritage:

No nearby heritage items are expected to be affected by the proposed development. Details of the application submission were referred to Council's Heritage Officer and Design Expert for assessment. Advice received indicates that the proposal is considered conditionally satisfactory.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse.

The soil profile is considered to be acceptable for the construction of the proposed development. Council's Stormwater and Environment Officers have assessed the application submission and considered it satisfactory subject to conditions.

Air and Microclimate:

The proposal is not expected to have a negative impact on air or microclimate.

Flora and Fauna:

No tree removal is proposed with this application. The proposal is not expected to adversely impact fauna. Council's Landscape and Environment Officers has reviewed the application submission including the landscape plan. Advice received is that the application is considered conditionally satisfactory.

For Council's Landscape and Environment Officers response please see Section 1.6.1 of the report.

Waste:

Waste management during works can be managed through proper arrangements. A condition is proposed requiring the use of an appropriate receptacle for any waste generated during the construction and compliance with the Site Waste Management and Minimisation Plan provided with the DA.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A BASIX certificate has been provided for the proposal.

Noise and vibration:

Noise and vibration impacts during demolition, excavation and construction are unavoidable. If the development is approved, a suite of conditions are recommended for imposition (see **Attachment 7**) to minimise nuisance during demolition and construction.

Conditions 12, 61 and 118 included at **Attachment 7** account for compliance with the recommendations of the Acoustic report such that operational noise levels do not exceed permitted levels.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Council records list the site as being flood affected. Council's Stormwater Officer has assessed the application submission in this regard and has not raised any objections subject to conditions.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

The proposal is identified as being affected by class 5 acid sulphate soils. However, as the majority of the proposed works for the development are to be located outside of the area mapped as being affected by Class 5 acid sulphate soils and above 24m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. As such no special conditions are required in relation to Acid Sulphate Soils.

Council records list the site as being contaminated. Matter regarding contamination are addressed at section 2.1.1.

Safety, Security and Crime Prevention:

This application does not result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create negative social impacts.

Economic Impact:

The proposal is not expected to create negative economic impacts.

Site Design and Internal Design:

The proposal does involve an exception to WLEP 2009 development standard for Height of buildings. The exception is considered to have been adequately justified via the submission of an appropriate justification statement and capable of support.

The application does not propose variations to Council's development control plans.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The development is considered consistent with the amenity of the neighbourhood and the surrounding development.

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 with regard to the zoning of the site and is not expected to result in 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

See section 1.5 of this report.

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

The proposal is not expected to result in 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

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Food and drink premises, Neighbourhood Shops, Indoor Recreation Facilities and Centre based child care centres are permitted in the SP3 land use zone with development consent pursuant to the WLEP 2009.

The development is consistent with most of the applicable provisions of the relevant planning instruments including Wollongong LEP 2009 with the exception of the height of buildings development standard departure which has been discussed in the body of this report and is considered capable of support.

The development is considered appropriate with regard to the controls outlined in the Wollongong DCP 2009.

All internal referrals are satisfactory and there are no outstanding issues.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

4 RECOMMENDATION

DA-2021/321 be approved pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 7**.

5 ATTACHMENTS

- 1 Plans
- 2 Site Inspection Photos
- 3 Clause 4.6 Exception to Development Standard Statement Applicant
- 4 Compliance table for Wollongong Development Control Plan 2009
- 5 Childcare Planning Guideline compliance table
- 6 Extract from RAP by Reditus
- 7 Conditions

SITE DETAILS

429 PRINCES HIGHWAY, WOONONA

Lot 1 DP 830398

2,264m² Site Area

COMPLIANCE

CATEGORY	REQUIREMENT	PROPOSAL
Zoning	SP3 Tourist	
FSR	$1.5:1 = 3,396m^2$	3,277m ²
Max Height	11m	3 Storeys
Landscaping	TBC% min, TBCm ²	124m2, 5%)
Deep Soil	TBC% min, TBCm ²	124m2, (5%)
Parking	Retail (food & drink) 1 space/25m ²	
	565m ² / 25 = 23 Spaces Required	23 Retail Spaces Provided
	Business Premise (Gym) 4.5/100m ²	
	1,264m ² /100 x 4.5 = 57 Spaces Required	57 Gym/Fitness Spaces Provided
	Childcare 1 space per Staff	
	14 Spaces Required	
	Childcare 1 space per 6 kids	
	90 kids / 6 = 15 Spaces Required	33 Childcare Spaces Provided
	Total Spaces Required 92	Total Spaces Provided 99
	Required 74 - 20% Reduction	

GROSS FLOOR AREA			
LEVEL	AREA (m2)		
LEVEL G	1,095		
LEVEL 1	1,558		
LEVEL 2	640		

TOTAL GROSS FLOOR AREA
AREA (m2)
3,293

UNIT BREAKDOWN					
UNIT TYPE	QUANTITY				
CHILDCARE	1				
FOOD & DRINK (CAFE)	3				
FOOD & DRINK (RESTAURANT)	2				
GYM & FITNESS	4				
NEIGHBOURHOOD SHOP	1				

TOTAL UNITS	
	QUANTITY
	11

LANDSCAPE	
NAME	AREA (m2)
LANDSCAPE	124
DEEP SOIL	
NAME	AREA (m2)
DEEP SOIL	124

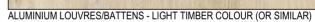
CHILDCARE BREAKDOWN							
AREA NAME	AGE		AREA (M2)	NO. OF KIDS			
AREA A	INFANT	0-2 YEAR OLDS	50	12			
AREA B	TODDLER	2-3 YEAR OLDS	59	18			
AREA C	TODDLER	2-3 YEAR OLDS	66	20			
AREA D	PRESCHOOL	3-6 YEAR OLDS	99	20			
AREA E	PRESCHOOL	3-6 YEAR OLDS	98	20			

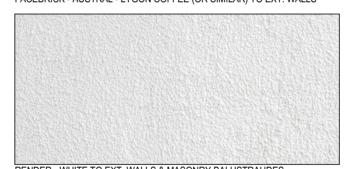
CONTENTS PAGE NO.	DRAWING DESCRIPTION
0000	PERSPECTIVES
0000	PERSPECTIVES
0001	CALCULATIONS
0002	SITE ANALYSIS
0003	STREETSCAPE
0004	SEDIMENTATION CONTROL PLAN
0005	SITE PLAN
0006	SITE ZONES
0007	SHADOW DIAGRAMS
1001	LOWER BASEMENT PLAN
1002	BASEMENT PLAN
1003	GROUND FLOOR PLAN
1004	LEVEL 1 FLOOR PLAN
1005	LEVEL 2 FLOOR PLAN
1006	ROOF PLAN
2001	NORTH & SOUTH ELEVATIONS
2002	EAST & WEST ELEVATIONS
3001	SECTIONS
4001	DETAIL
4002	ADAPTABLE DETAILS - GROUND FLOOR PLAN
4003	ADAPTABLE DETAILS - LEVEL 1 FLOOR PLAN
4004	ADAPTABLE DETAILS - LEVEL 2 FLOOR PLAN
4005	KITCHEN DETAIL
4006	HEIGHT PLANE
4007	HEIGHT PLANE

UNIT SCHEDULE						
UNIT	UNIT TYPE	AREA (m2)	LEVEL			
G01	NEIGHBOURHOOD SHOP	96	LG			
G02	FOOD & DRINK (CAFE)	99	LG			
G03	FOOD & DRINK (CAFE)	99	LG			
G04	FOOD & DRINK (CAFE)	93	LG			
G05	FOOD & DRINK (RESTAURANT)	98	LG			
G06	FOOD & DRINK (RESTAURANT)	90	LG			
101	GYM & FITNESS	678	L1			
102	GYM & FITNESS	625	L1			
103	GYM & FITNESS	118	L1			
COMMON	GYM & FITNESS	129	L1			
201	CHILDCARE	652	L2			

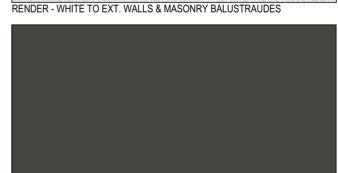
MATERIALS & FINISHES SCHEDULE







COLORBOND NIGHT SKY - WINDOW & DOOR FRAMES



COLORBOND NIGHT SKY - WINDOW SHADING DEVICE



CONCRETE COLUMNS

429 PRINCES HIGHWAY, WOONONA

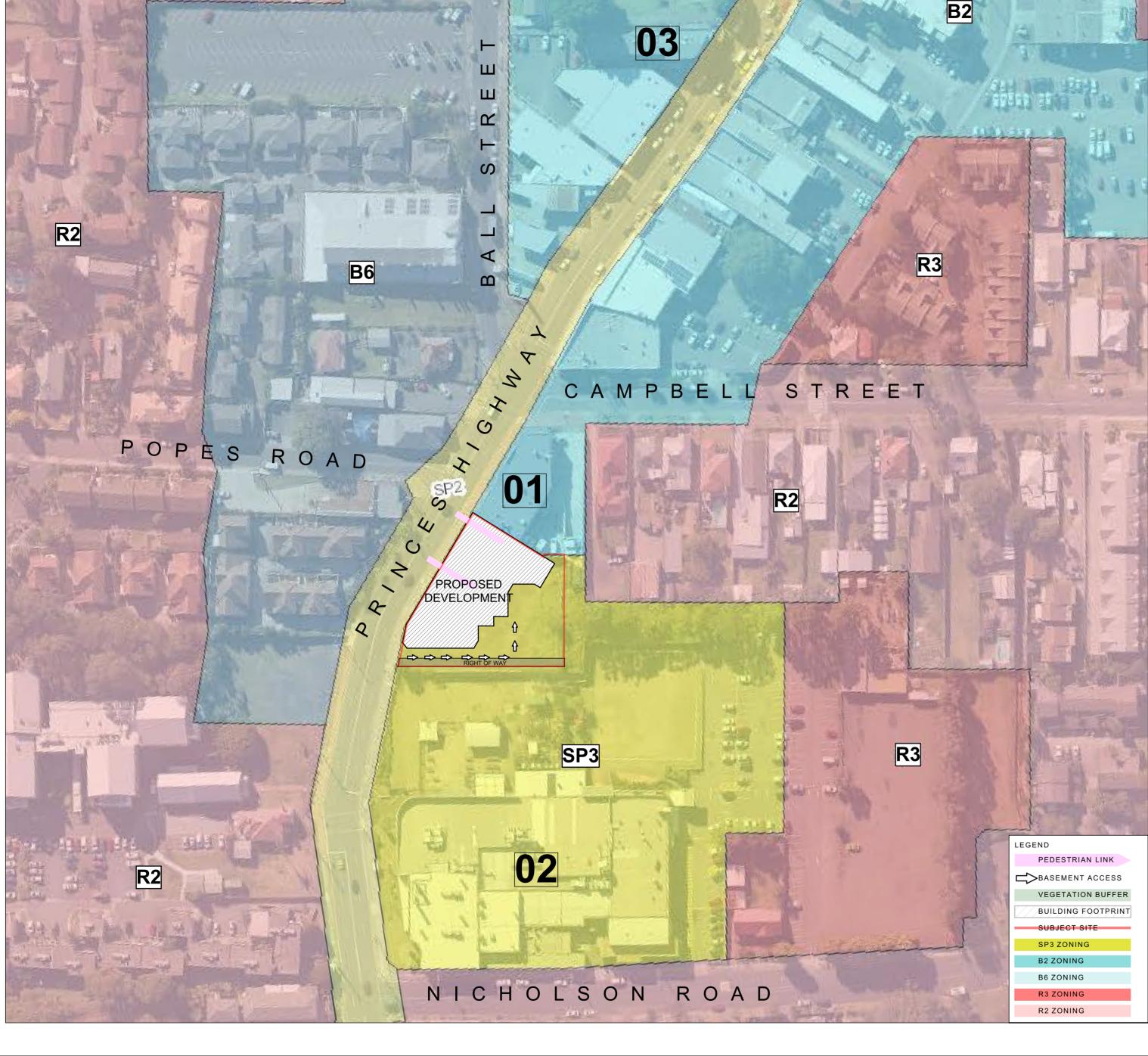


All work to be carried out in accordance with BCA, AS & Council conditions.

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	T Z J		Drawing Title:	Council Wollongong City Council	Designed + Drawn: M.Trinh & P.Revollar Issue/Stage: DA - ISSUE D
				Project: Construction of a Mixed Used Development	Paper/Scale: A2/ Date:
DATE	DRAWING DESCRIPTION	ISSUE	Danny S Jacobs & Vito Penimpede	Boro.op.ii.d.ii.	4/11/2021 Job #: Dwg #: 28798 0001





455-459 PRINCES HIGHWAY - WOONONA BULI RSL CLUB



455-459 PRINCES HIGHWAY - WOONONA BULI RSL CLUB



392 PRINCES HIGHWAY - WOONONA BULI RSL CLUB

429 PRINCES HIGHWAY, WOONONA



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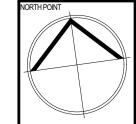
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Drawing Title: Council Des	Designed + Drawn:	
SITE ANALYSIS Wollongong City M.	Л.Trinh & Р.Re	evollar
Council	ssue/Stage:	
D/	DA - ISSUE	D
Project: Pag	aper/Scale:	
Construction of a Mixed Used A2	A2/1:1000, ⁻	1:500, 1:10
Ochou double of a lymod dood	Date:	,
Client: Development 4/	1/11/2021	
Danny C Jacoba 9		Dwg #:
Vita Danismada		•
DATE DRAWING DESCRIPTION ISSUE Vito Penimpede 28	28798 0	0002



429 PRINCES HIGHWAY, WOONONA

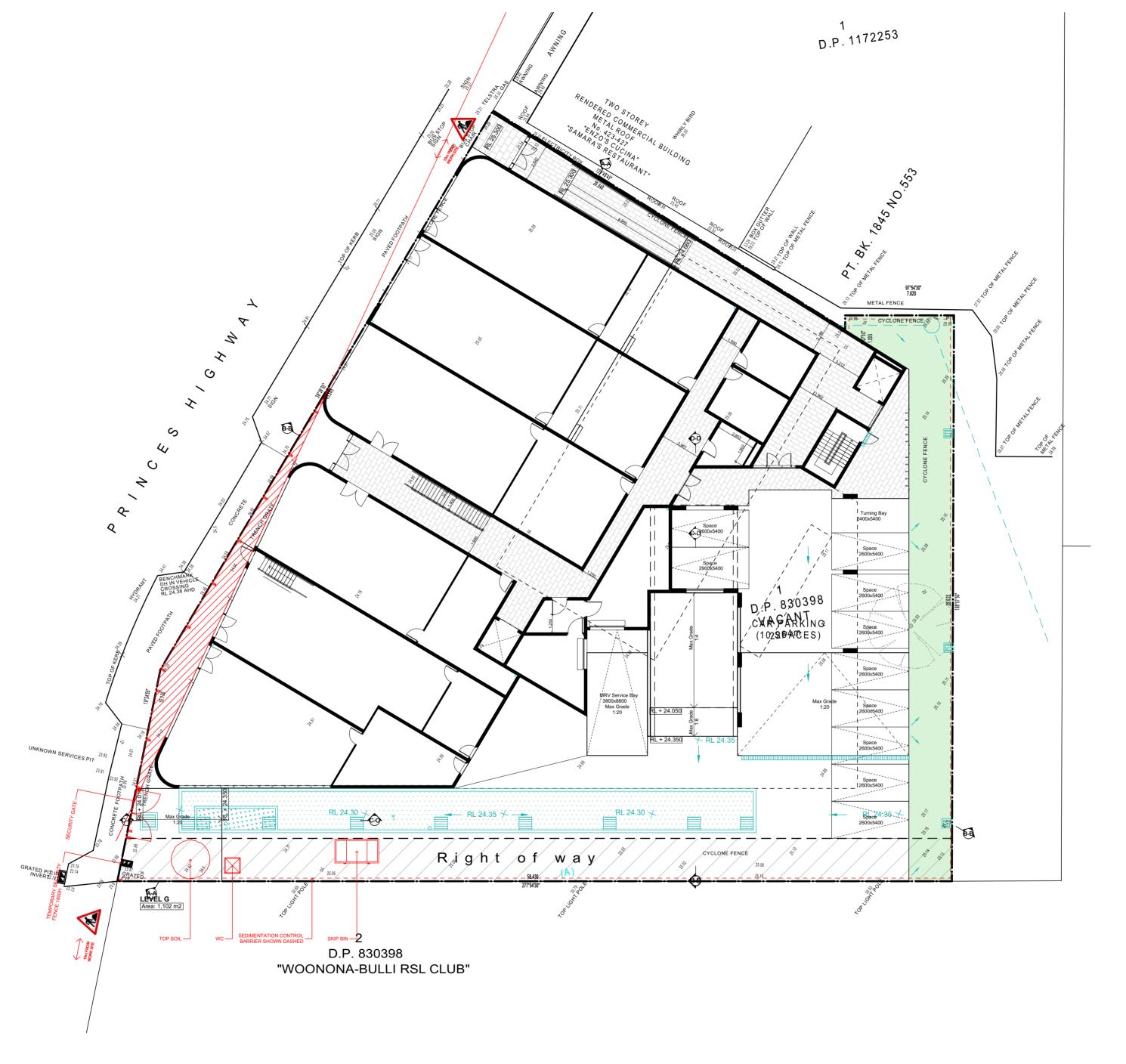


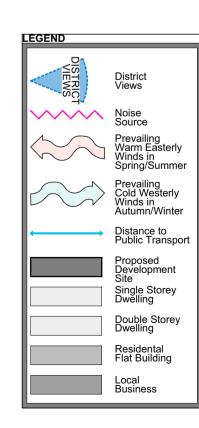
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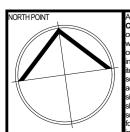


	429 P	L I IN	СЕЗ ПІ	GHWAT, WO	O N C	<i>)</i>
			Drawing Title:	Council	Designed + Drawn	n:
			STREETSCAPE		M.Trinh & P.F	Revollar
				Council	Issue/Stage:	
					Paper/Scale:	בט
					A2/1:1000,	1:500, 1
				Develonment	Date: 4/11/2021	
			Danny S Jacobs &		Job #:	Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	0003





129 PRINCES HIGHWAY WOONONA



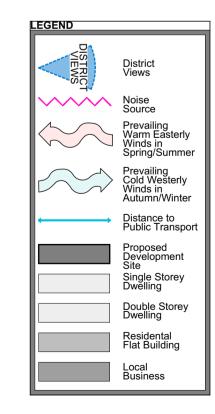
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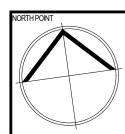


	429	PRIN	CES HI	GHWAY, WO	ONC) N A
			Drawing Title: SEDIMENTATION CONTROL PLAN	Council Wollongong City Council Project:	Designed + Draw M.Trinh & P.I Issue/Stage: DA - ISSU Paper/Scale:	Revollar
				Construction of a Mixed Used	A2/1:200,	1:500
			Client: Danny S Jacobs &	Development	Date: 4/11/2021 Job #:	IDua#:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede			Dwg #: 0004



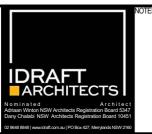


120 PRINCES HIGHWAY WOONONA



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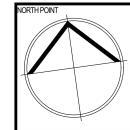
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	429 P	RIN	ICES HI	GHWAY, WO	ONONA
			Drawing Title: SITE PLAN	Council Wollongong City Council Project:	Designed + Drawn: M.Trinh & P.Revollar Issue/Stage: DA - ISSUE D Paper/Scale: A2/1:200. 1:500
DATE	DRAWING DESCRIPTION	ISSUE	Client: - Danny S Jacobs & Vito Penimpede	Construction of a Mixed Used Development	Date: Dwg #: 28798 Dwg 5



429 PRINCES HIGHWAY, WOONONA

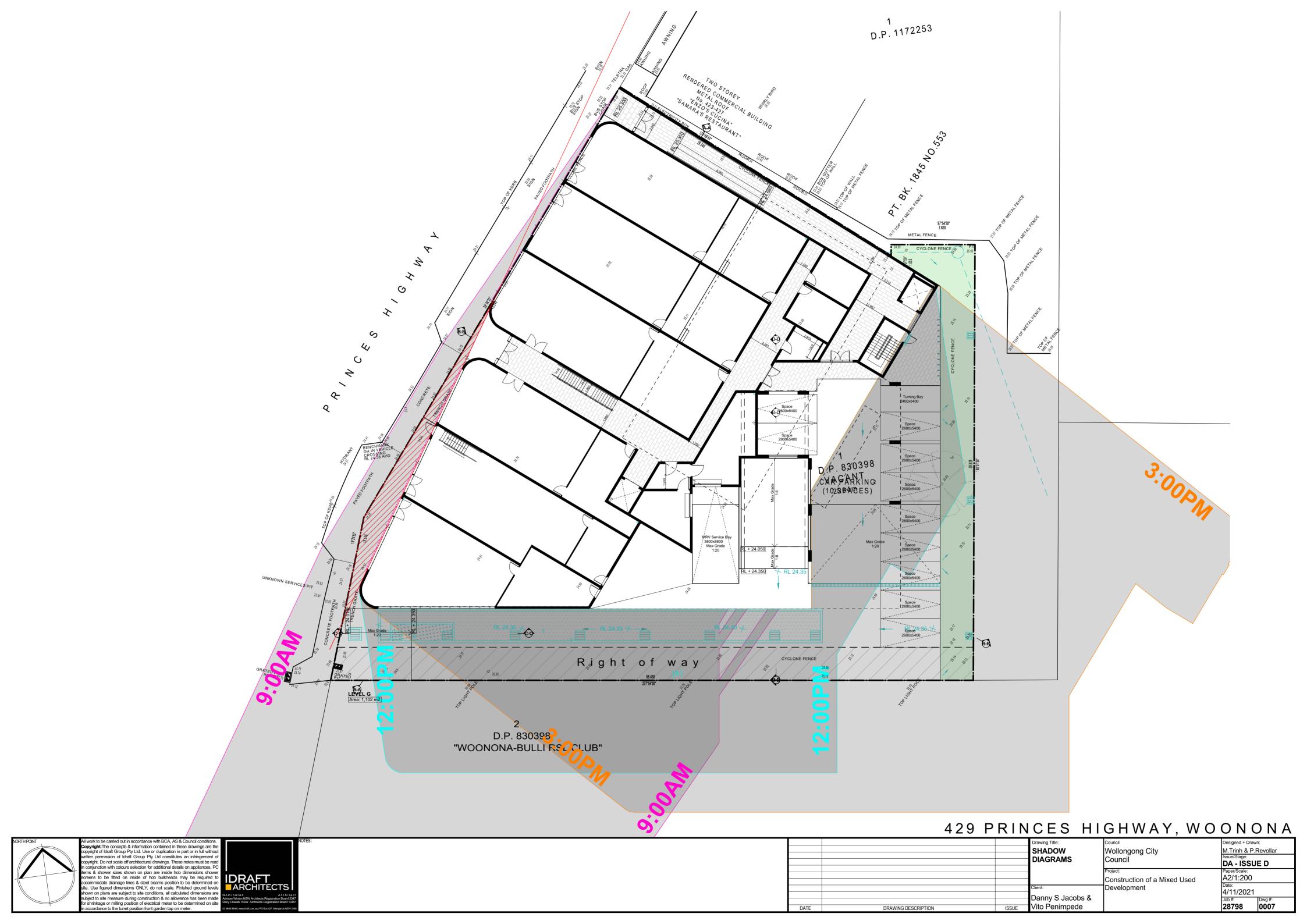


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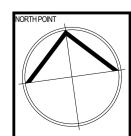


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			Drawing Title:	Council	Designed + Drav	vn:
			SITE ZONES	Wollongong City Council	M.Trinh & P.Revollar	
					Issue/Stage:	
				Council	DA - ISSUE D	
				Project:	Paper/Scale:	
				Construction of a Mixed Used	A2/1:300	
					Date:	
			Client:	Development	4/11/2021	
			Danny S Jacobs &		Job #: Dwg #:	
						1 -
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	0006





429 PRINCES HIGHWAY WOONONA



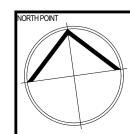
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	423 F	17 1 11		GIIWAI, WO	ONONA	
			Drawing Title: LOWER BASEMENT PLAN Council Wollongong City Council		Designed + Drawn: M.Trinh & P.Revollar Issue/Stage: DA - ISSUE D	
				Construction of a Mixed Used Development	Paper/Scale: A2/1:200	
DATE	DRAWING DESCRIPTION		Danny S Jacobs & Vito Penimpede		Date: 4/11/2021 Job #: Dwg #: 28798 1001	
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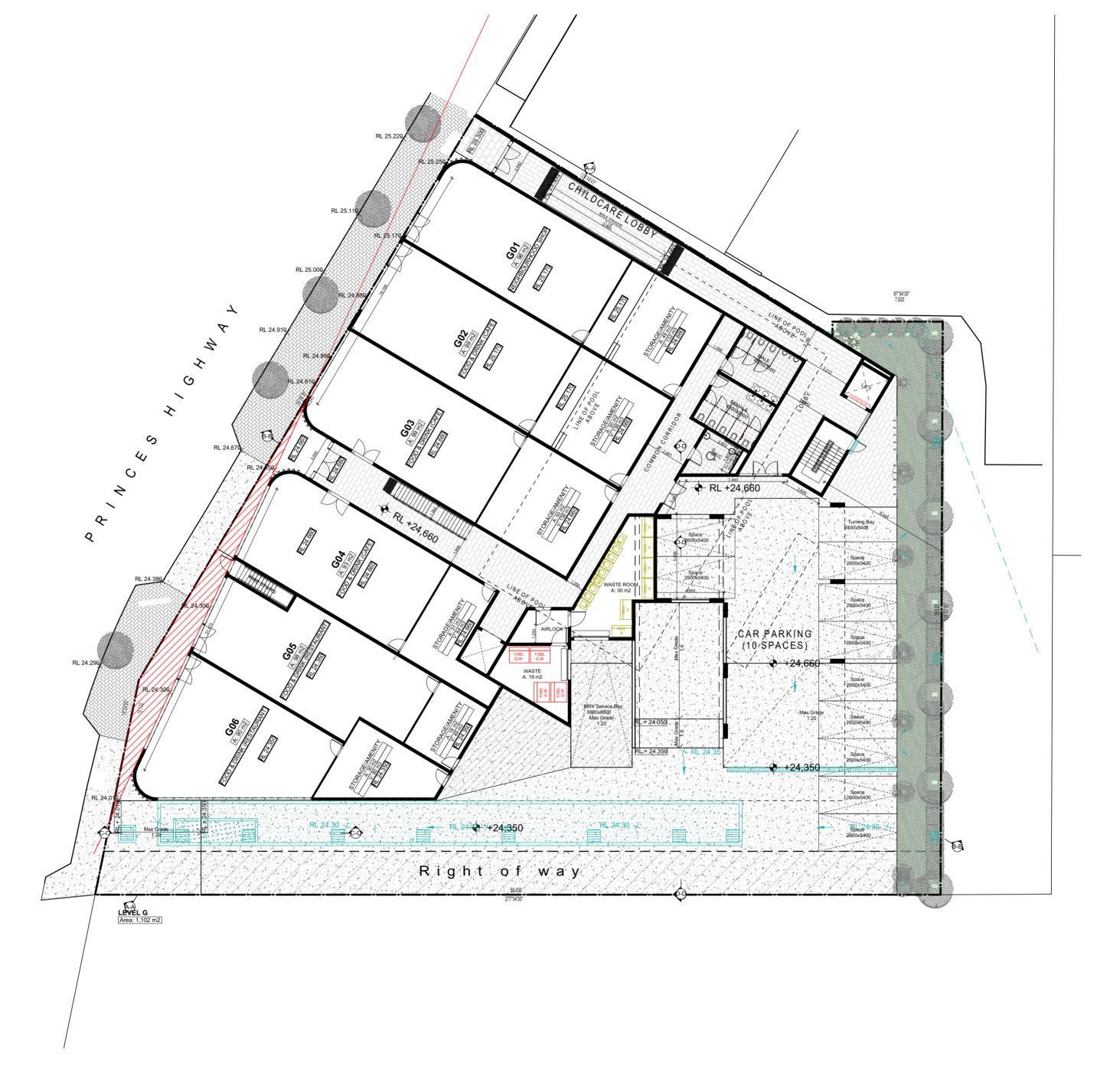


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	429 F	17 1 11		GIIWAI, WO	ONONA
			Drawing Title:	Council	Designed + Drawn:
			BASEMENT PLAN	Wollongong City	M.Trinh & P.Revollar
				Council	Issue/Stage:
				Project:	DA - ISSUE D Paper/Scale:
				,	A2/1:200
				Development	Date:
				Development	4/11/2021
			Danny S Jacobs &		Job #: Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798 1002



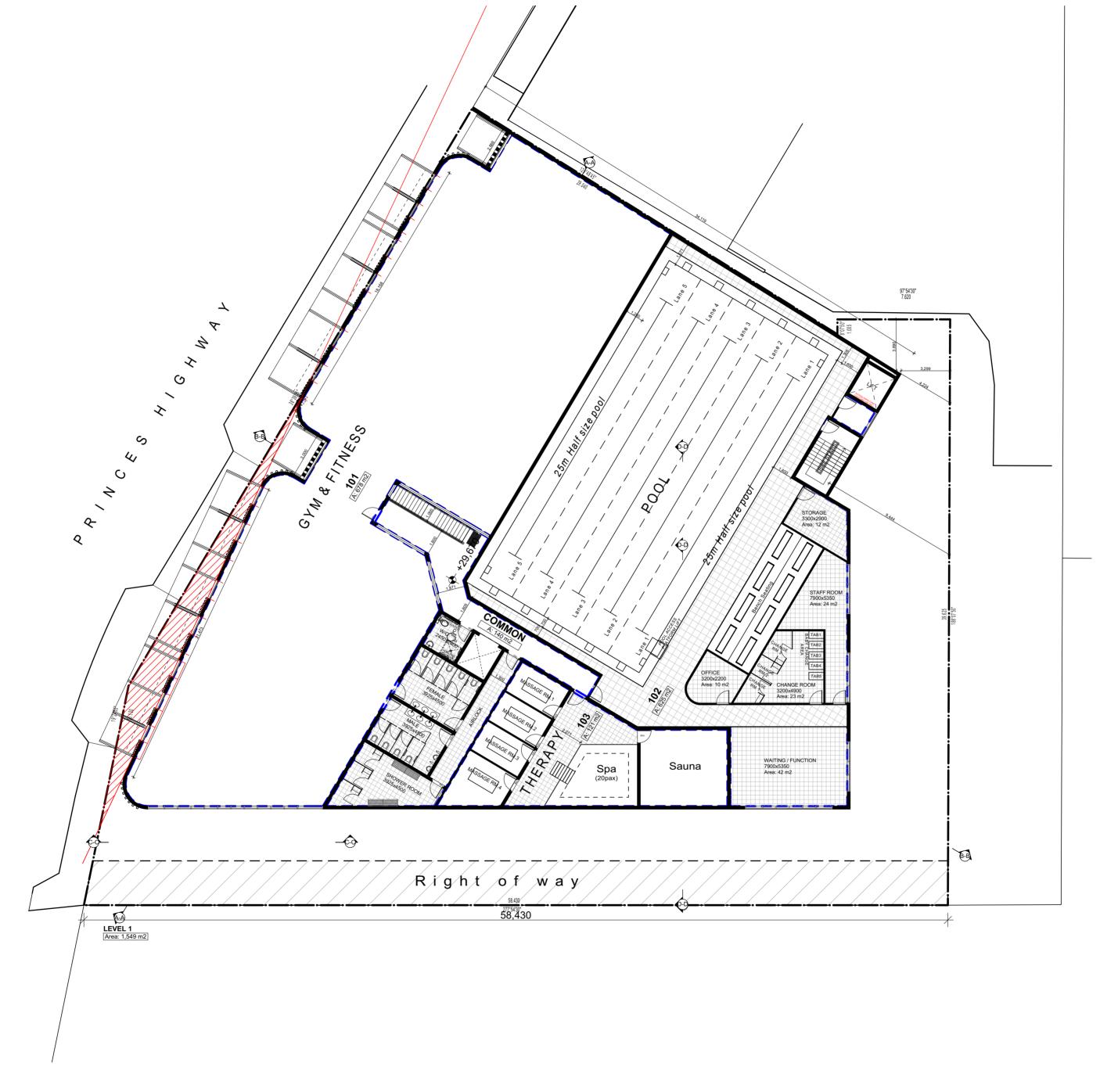


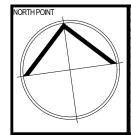
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				Drawing Title:	Council	Designed + Drawn:
╙				PLAN	Council	M.Trinh & P.Revollar
\vdash						Issue/Stage:
⊢					Decise the	DA - ISSUE D
					Project: Construction of a Mixed Used Development	Paper/Scale: A2/1:200, 1:100
						Date:
_				Client:		4/11/2021
⊢				Danny S Jacobs &		Job #: Dwg #:
Н	DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798 1003
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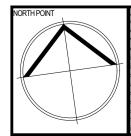
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			Drawing Title:	Council	Designed + Drawr	n:
			LEVEL 1 FLOOR	Wollongong City	M.Trinh & P.F	Revollar
				Council	Issue/Stage:	
				Coditoli	DA - ISSUI	ED
					Paper/Scale:	4 400
				Contained on a mixed cood	A2/1:200, 1	1:100
			Client:	II Jevelonment	Date:	
			Danny S Jacobs &		4/11/2021	
						Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	1004



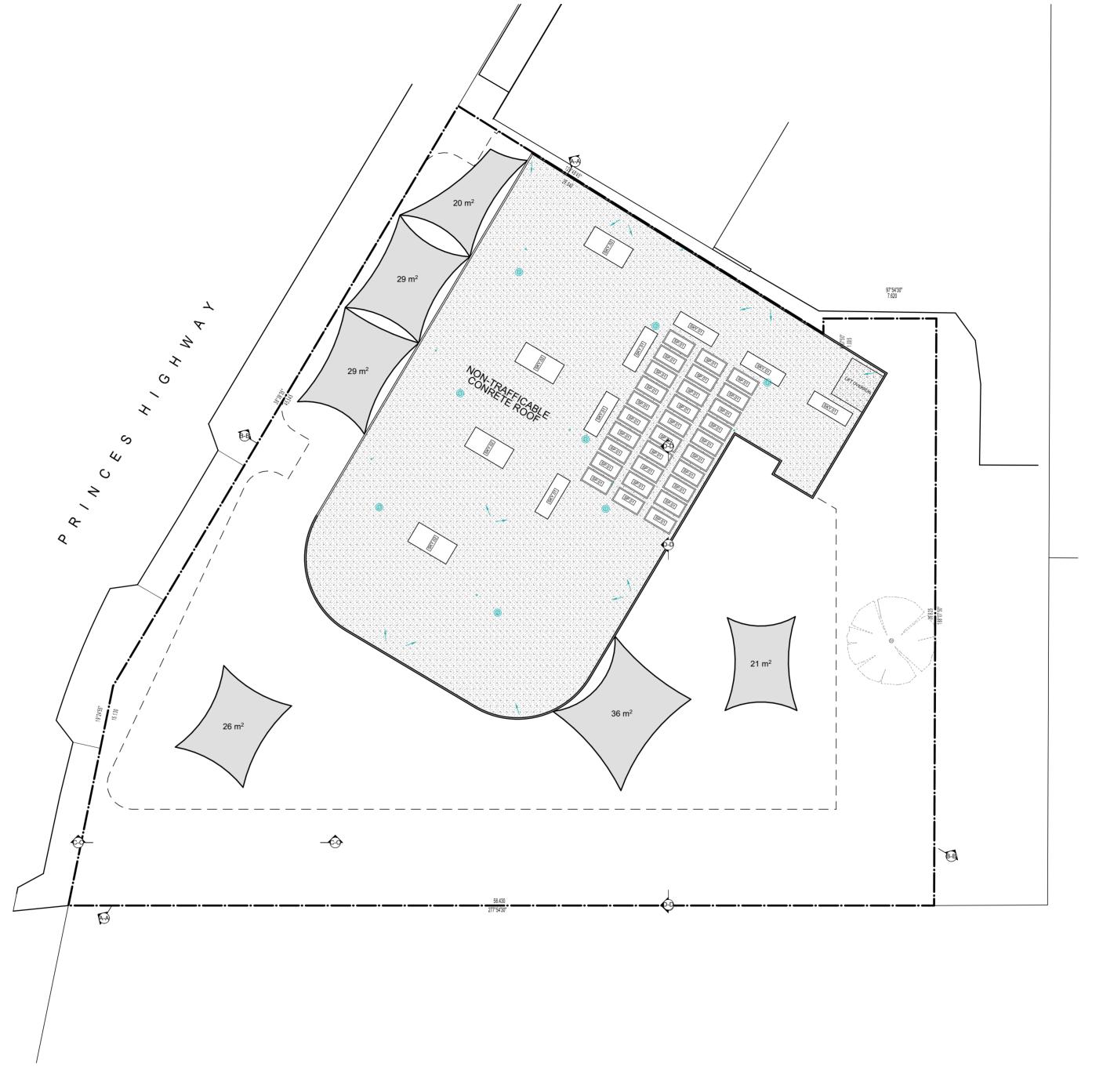


All work to be carried out in accordance with BCA, AS & Council conditions.

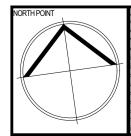
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	429 P	KIN	CES HI	GHWAY, WO	ONC	J N A	
				Council Wollongong City Council	Designed + Drawn: M.Trinh & P.Revollar Issue/Stage: DA - ISSUE D		
				Project: Construction of a Mixed Used Development	Paper/Scale: A2/1:200,	1:100	
			Client:		Date: 4/11/2021		
DATE	DRAWING DESCRIPTION	ISSUE	Danny S Jacobs & Vito Penimpede			Dwg #: 1005	



420 DDINCES HICHWAY WOONONA



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	429 P	RIN	CES HI	GHWAY, WO	<u>О N C</u>	<u> </u>
			ROOF PLAN	Wollongong City	Designed + Drawr M.Trinh & P.F. Issue/Stage: DA - ISSUI	Revollar
				l '	Paper/Scale: A2/1:200	
			Client: Danny S Jacobs &	Development	Date: 4/11/2021 Job #:	Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede			1006

MATERIALS & FINISHES SCHEDULE

FACEBRICK - AUSTRAL - LYGON COFFEE (OR SIMILAR) TO EXT. WALLS



RENDER - WHITE TO EXT. WALLS & MASONRY BALUSTRAUDES



RENDER - BLACK TO EXT. WALLS



CONCRETE COLUMNS

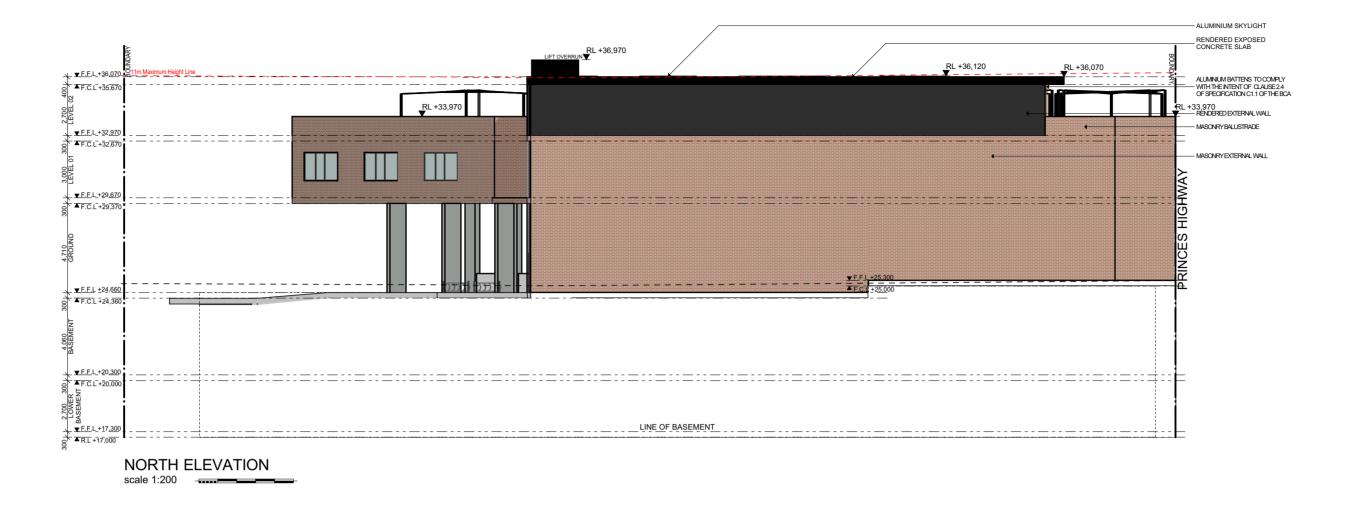


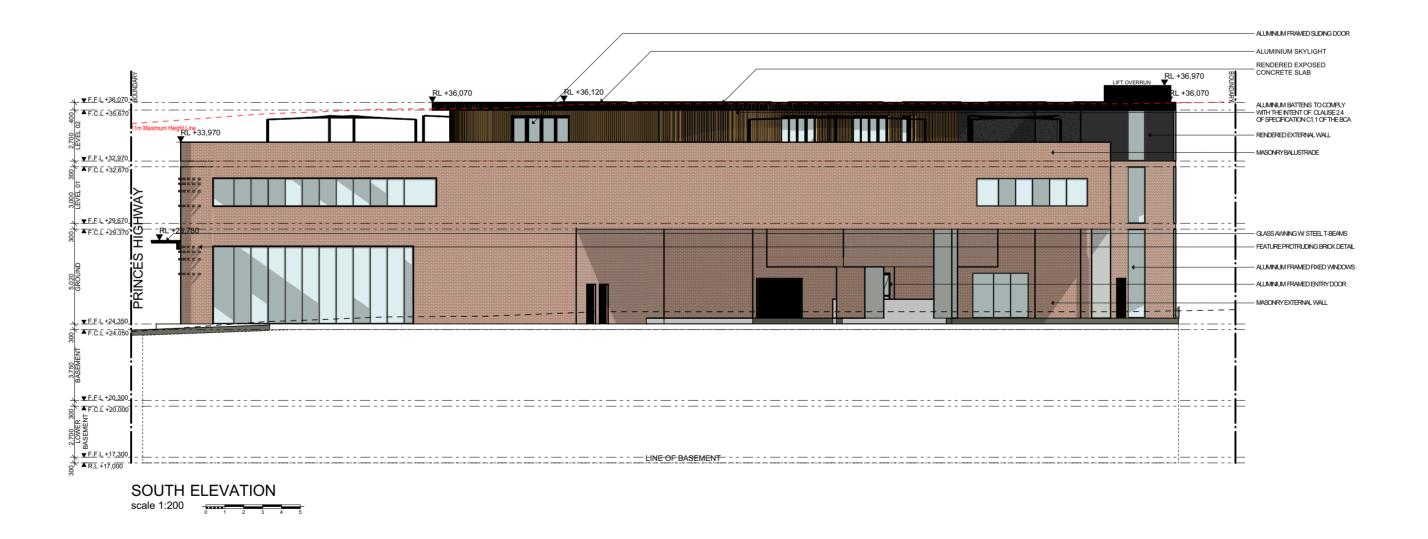
ALUMINIUM LOUVRES/BATTENS - LIGHT TIMBER COLOUR





COLORBOND NIGHT SKY - WINDOW SHADING DEVICE





120 DDINCES HIGHWAY WOONONA



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		429 F	'KIN	CES HI	GHWAY, WO	<u> </u>	J N A
П				Drawing Title:	Council	Designed + Draw	n:
ŀ				NORTH & SOUTH	Wollongong City	M.Trinh & P.I	Revollar
				ELEVATIONS	Council	Issue/Stage: DA - ISSU	E D
					Project: Construction of a Mixed Used	Paper/Scale: A2/1:200.	1:3.10, 1:0.
ŀ				Client:	Development	Date: 4/11/2021	
İ	DATE	DRAWING RESORDITION	ISSUE	,			Dwg #: 2001
	DATE	DRAWING DESCRIPTION	ISSUE	Danny S Jacobs & Vito Penimpede			

MATERIALS & FINISHES SCHEDULE

FACEBRICK - AUSTRAL - LYGON COFFEE (OR SIMILAR) TO EXT. WALLS



RENDER - WHITE TO EXT. WALLS & MASONRY BALUSTRAUDES



RENDER - BLACK TO EXT. WALLS

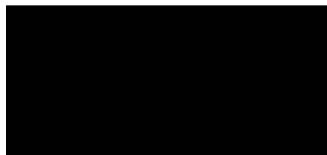


CONCRETE COLUMNS



ALUMINIUM LOUVRES/BATTENS - LIGHT TIMBER COLOUR (OR SIMILAR)





COLORBOND NIGHT SKY - WINDOW SHADING DEVICE





120 DDINCES HIGHWAY WOONONA

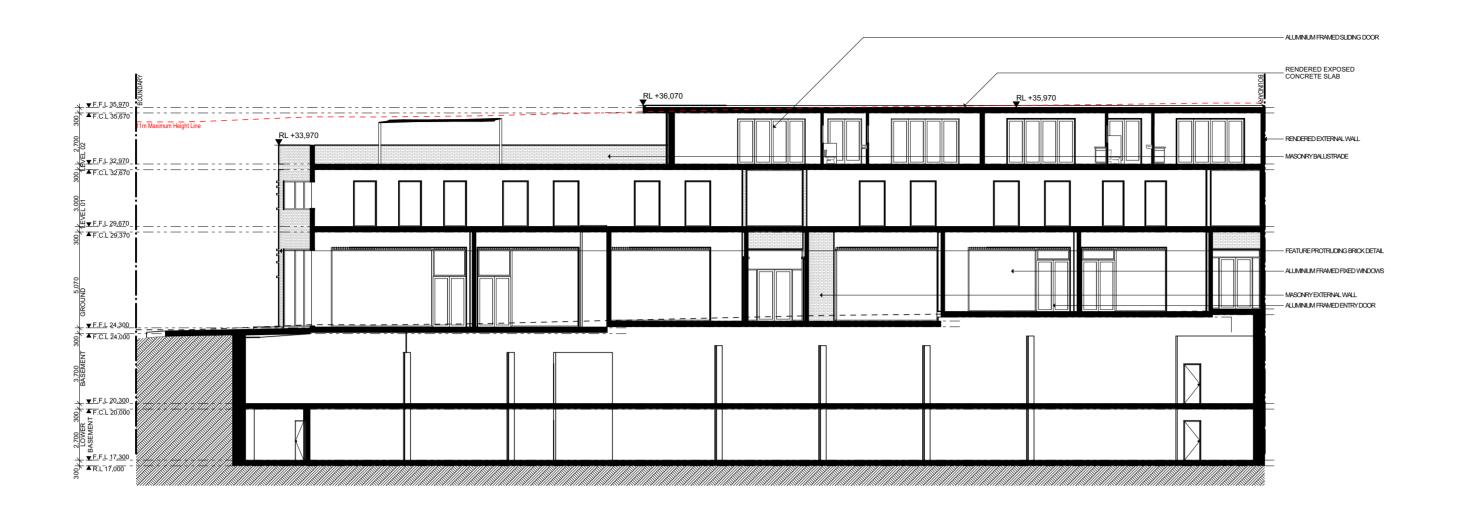


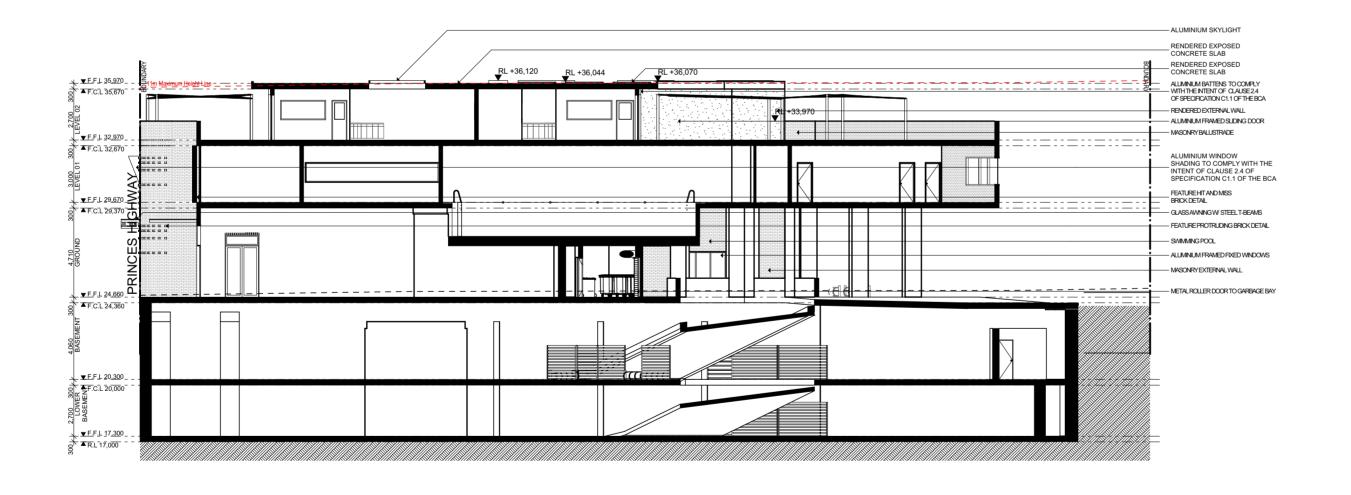
All work to be carried out in accordance with BCA, AS & Council conditions.

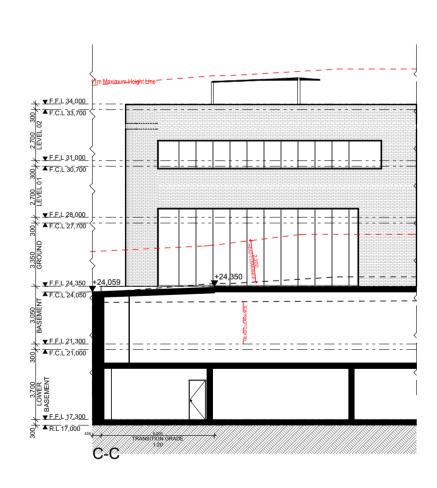
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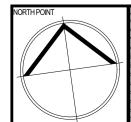


	429 P	RIN	CES HI	GHWAY, WO	ONG	<u> </u>
			· ·	Council	Designed + Draw	vn:
				Wollongong City	M.Trinh & P. Issue/Stage:	Revollar
			ELEVATIONS	Council	DA - ISSU	IE D
				Project: Construction of a Mixed Used	Paper/Scale: A2/1:200.	1:3.10, 1:0.
				Development Development	Date: 4/11/2021	
			Danny S Jacobs &		Job #:	Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	2002







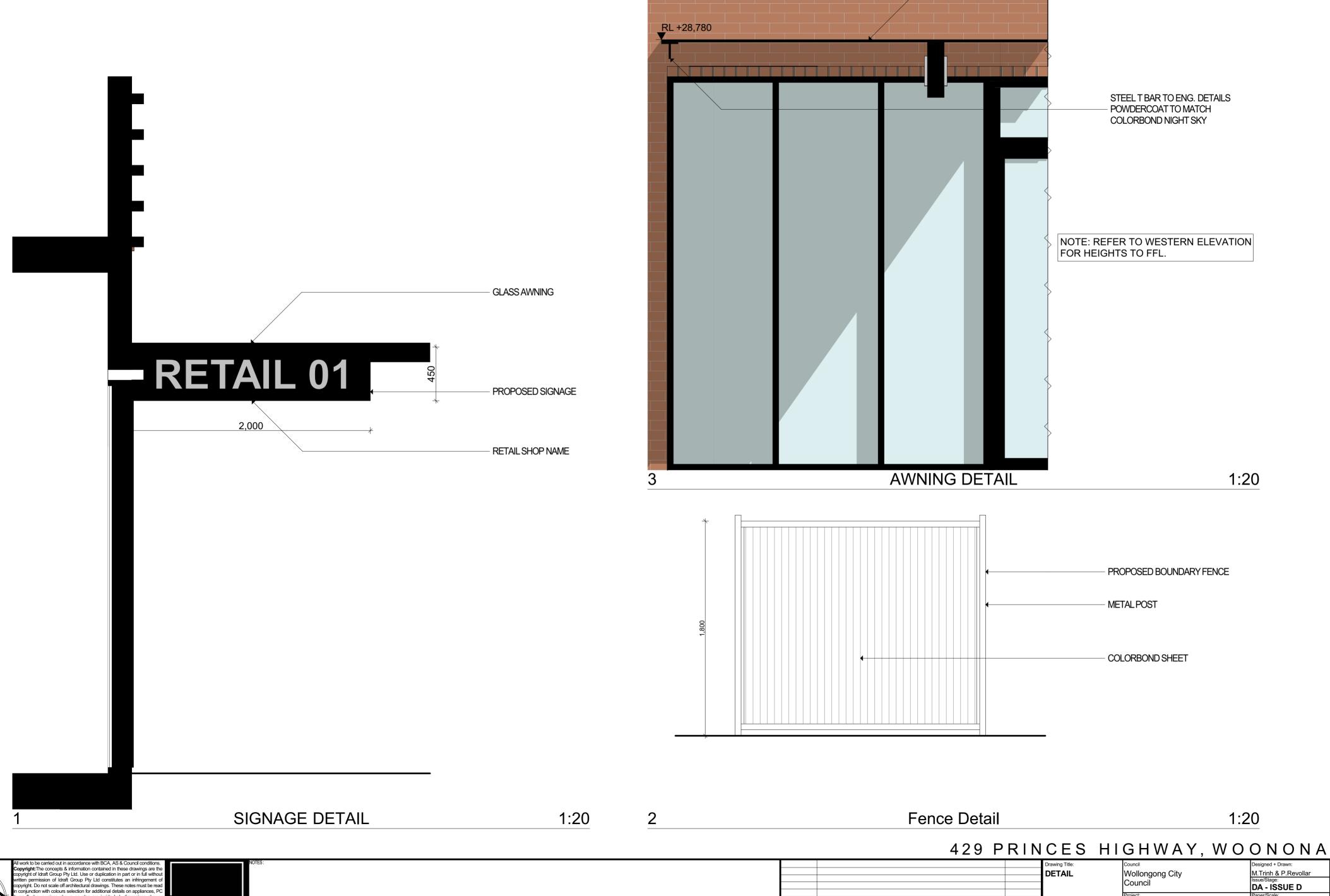


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			. 5	Council	Designed + Draw	
			SECTIONS	Wollongong City	M.Trinh & P.I	Revollar
				Council	Issue/Stage: DA - ISSUE D	
			1	Project:	Paper/Scale:	
			1	Construction of a Mixed Used	A2/1:200	
			Client:	Development	Date: 4/11/2021	
			Danny S Jacobs &		Job #:	Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	3001



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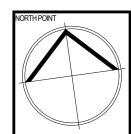
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GLASS AWNING

			Drawing rule.	Council	Designed + Draw	/11.
			DETAIL	Wollongong City	M.Trinh & P.I	Revollar
				Council	Issue/Stage:	
				Council	DA - ISSU	IE D
				Project:	Paper/Scale:	
				Construction of a Mixed Used	A2/1:20	
			Client:	Development	Date:	
			Cliefit.	Development	4/11/2021	
			Danny S Jacobs &			IDua #:
			•			Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	4001



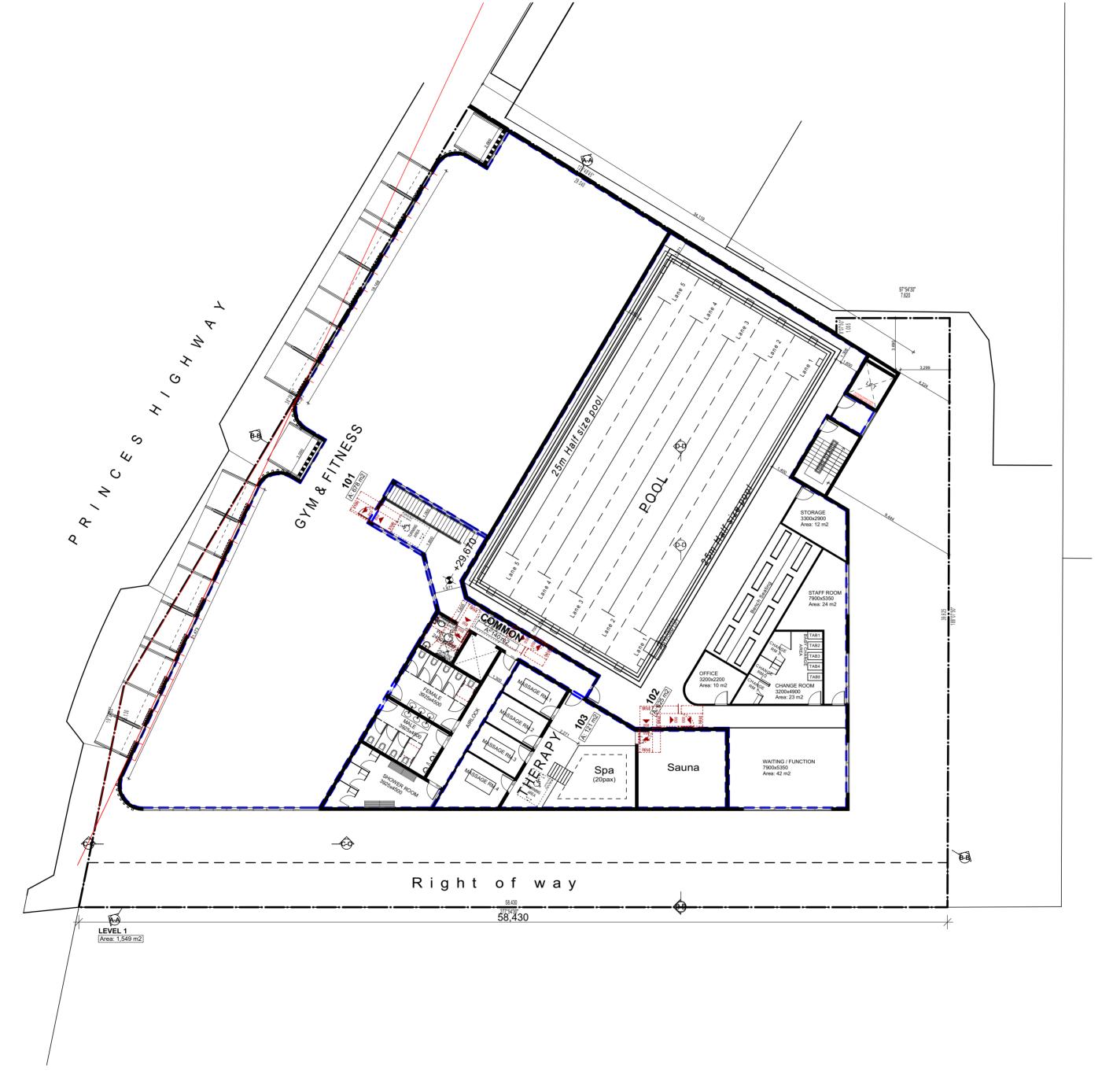


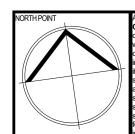
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1				Drawing Title:	Council	Designed + Drawn	n:
I				ADAPTABLE	Wollongong City	M.Trinh & P.F	Revollar
I				DETAILS - GROUND FLOOR PLAN Client:		Issue/Stage:	
I					Project:	DA - ISSUE D	
I					Construction of a Mixed Used	Paper/Scale: A2/1:200	
ı						Date:	
I					Development	4/11/2021	
I				Danny S Jacobs &			Dwg #:
ı	DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	4002



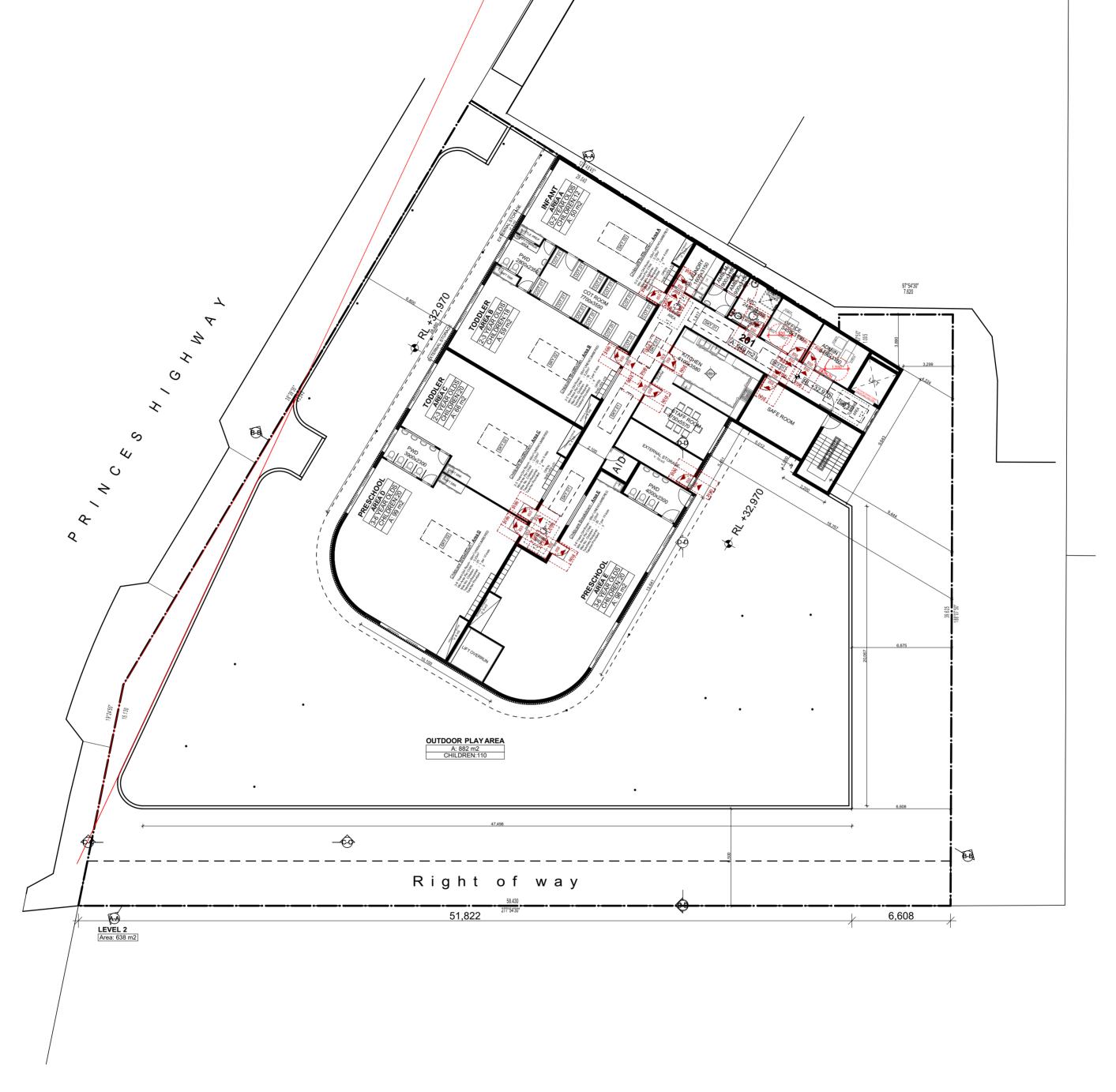


All work to be carried out in accordance with BCA, AS & Council conditions.

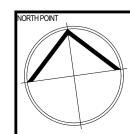
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	429 F	17 1 11		GIIWAI, WO	O iv C	<i>)</i> 19 /
			Drawing Title: ADAPTABLE DETAILS - LEVEL 1 FLOOR PLAN	Wollongong City	Designed + Drawn: M.Trinh & P.Revollar Issue/Stage: DA - ISSUE D	
				Project: Construction of a Mixed Used	Paper/Scale: A2/1:200	
			1	Development	Date: 4/11/2021	
DATE	DRAWING DESCRIPTION		Danny S Jacobs & Vito Penimpede		Job #: 28798	Dwg #: 4003



Dwg #: 4004

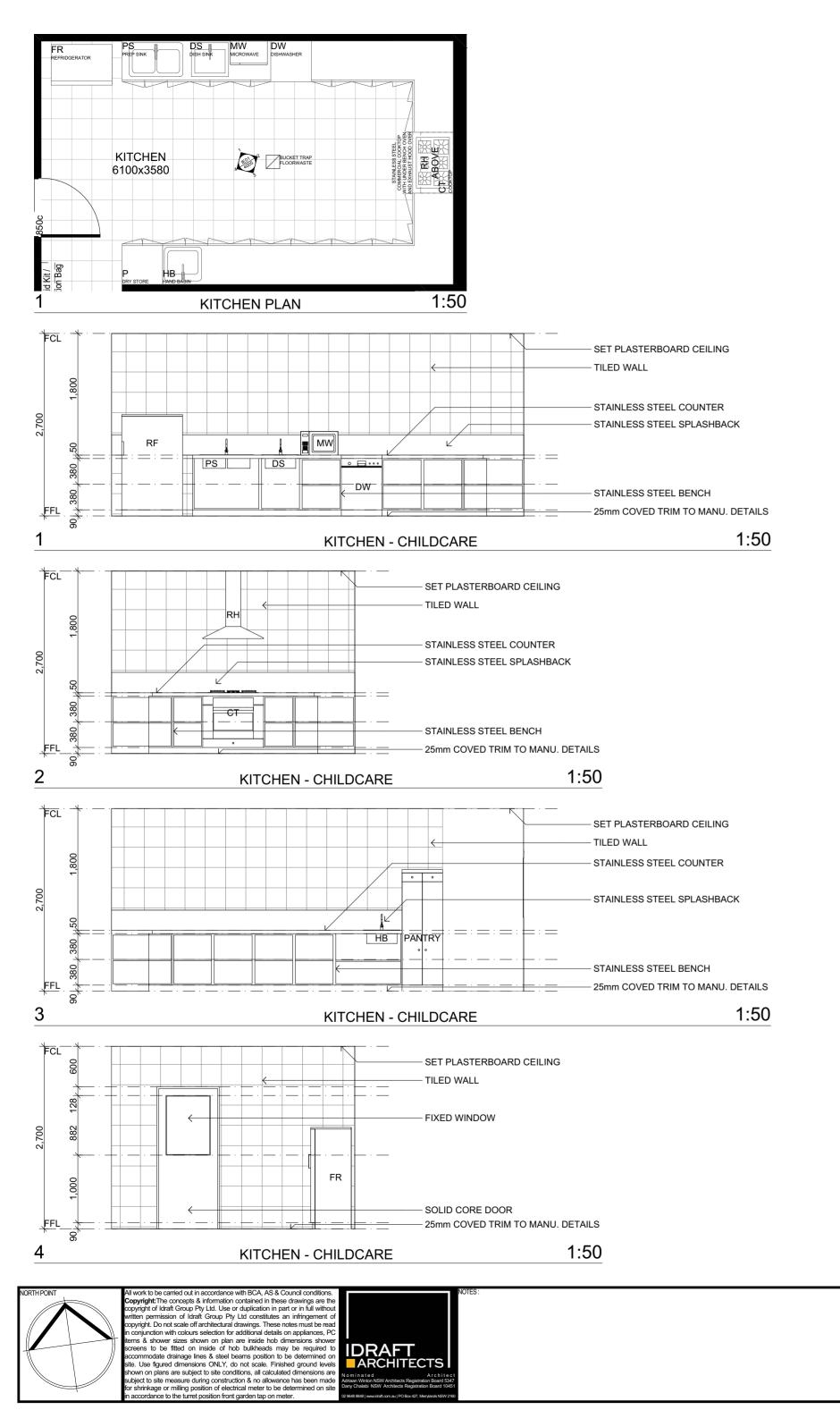


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	423 F	17 1 11		GIIWAI, WO	O N C	<i>)</i>
			Drawing Title:	Council	Designed + Drawr	n:
			ADAPTABLE	irronongong only	M.Trinh & P.F	Revollar
			DETAILS - LEVEL 2	II Olincii	Issue/Stage: DA - ISSUI	ΕD
				l '	Paper/Scale: A2/1:200	
			Client:	Develonment	Date: 4/11/2021	
DATE	DRAWING DESCRIPTION	ISSUE	Danny S Jacobs & Vito Penimpede			Dwg #: 4004



COMMERCIAL KITCHENS TO BE DESIGNED AND BUILT IN ACCORDANCE WITH AS4674

KITCHEN EXHAUSTS INSTALLATION AND EQUIPMENT TO MEET AS1668.1 & AS1668.2

WALLS TO FOOD PREPARATION AREA ARE TO BE OF SOLID

NEW WALLS TO FOOD PREP AREAS ARE TO BE BUILT OF SOLID

EXISTING WALLS TO BE CHECKED ON SITE TO CONFIRM SOLID CONSTURCTION. IF INADEQUATELY CONSTRUCTED, EXISTING WALL TO BE DEMOLISHED AND REPLACED WITH NEW WALL OF SOLID MASONRY CONSTRUCTION.

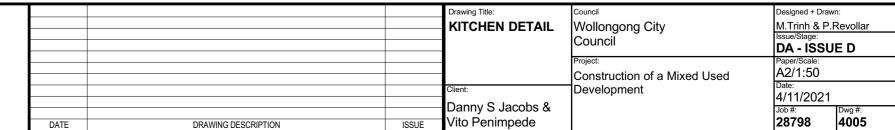
AS1668.1 AND AS1668.2

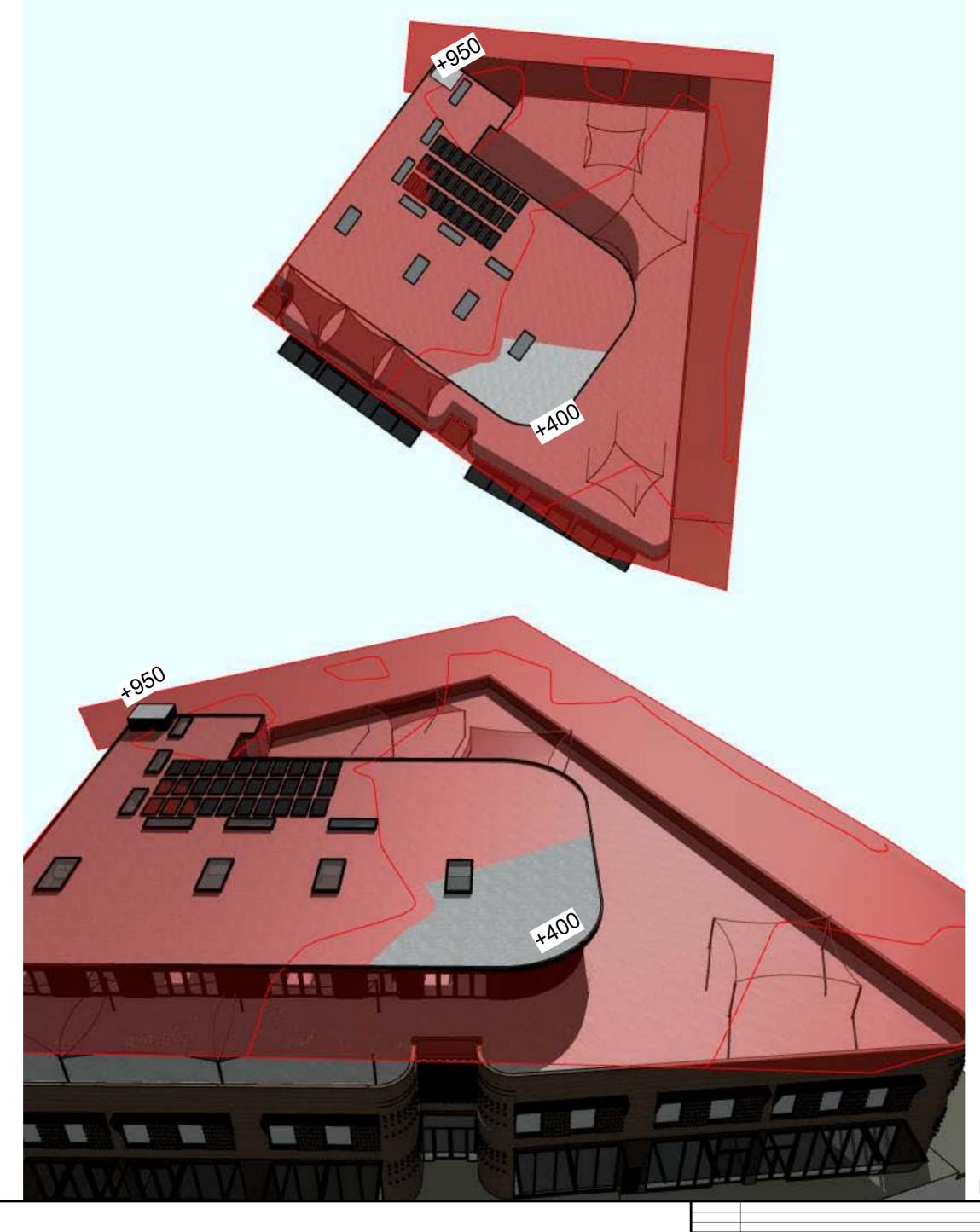
CONSTRUCTION.

MASONRY.

NOTE: KITCHEN FITOUTS TO BE DESIGNED AND INSTALLED BY TENANT.

COMMERCIAL KITCHEN HOOD AND ASSOCIATED EQUIPMENT TO BE INSTALLED BY MANUFACTURER AND IN ACCORDANCE WITH





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PRIN	CES HI	GHWAY, WO	ONONA	
	Drawing Title:	Council	Designed + Drawn:	
	HEIGHT PLANE	Wollongong City	M.Trinh & P.Revollar	
	IILIOIII I LAIL	I voliding only	THE FIRST CALL IN COLUMN	

				Council	M.Trinh & P.Revollar Issue/Stage: DA - ISSUE D		
				Project:	Paper/Scale: A2/1:100		
				Development	Date: 4/11/2021		
DATE	DRAWING DESCRIPTION		Danny S Jacobs & Vito Penimpede		Job #: 28798	Dwg #: 4006	







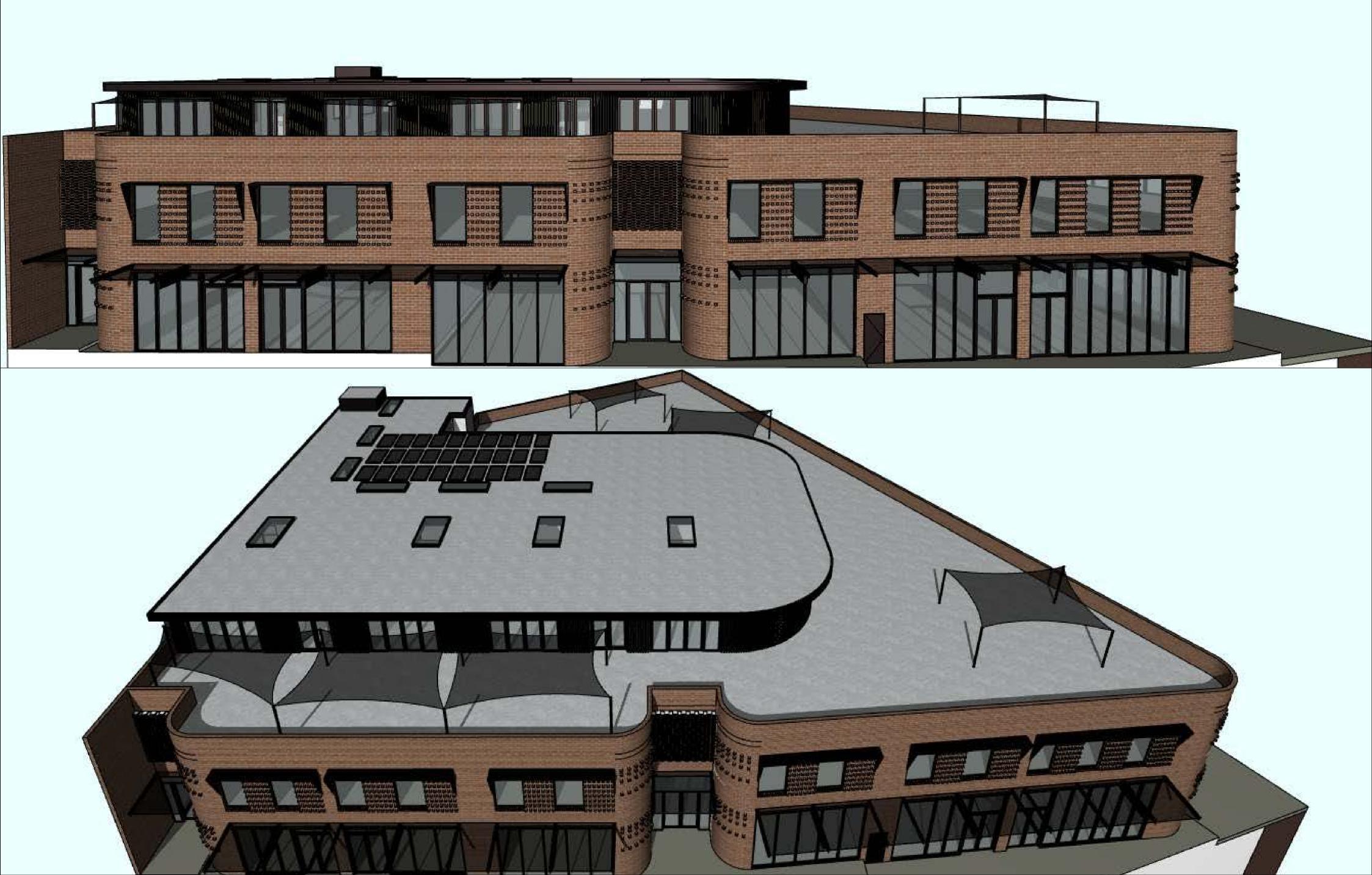
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			<u> </u>	· · · · · · · · · · · · · · · · · · ·		
			Drawing Title:	Council	Designed + Drawr	ո։
			HEIGHT PLANE	Wollongong City	M.Trinh & P.F	Revollar
					Issue/Stage:	
				Council	DA - ISSUE D	
				Project:	Paper/Scale:	
				Construction of a Mixed Used	A2/1:100	
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			Client:	i jevelonment	Date:	
			Danna O Jasaha O		4/11/2021	
			Danny S Jacobs &		Job #:	Dwg #:
DATE	DRAWING DESCRIPTION	ISSUE	Vito Penimpede		28798	4007

429 PRINCES HIGHWAY, WOONONA PROPOSED COMMERCIAL DEVELOPMENT



MATERIALS & FINISHES SCHEDULE



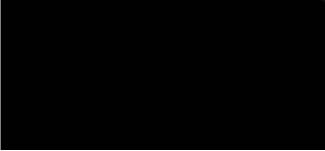
FACEBRICK - AUSTRAL - LYGON COFFEE (OR SIMILAR) TO EXT. WALLS



ALUMINIUM LOUVRES/BATTENS - LIGHT TIMBER COLOUR (OR SIMILAR)



RENDER - WHITE TO EXT. WALLS & MASONRY BALUSTRAUDES



COLORBOND NIGHT SKY - WINDOW & DOOR FRAMES



RENDER - BLACK TO EXT. WALLS



COLORBOND NIGHT SKY - WINDOW SHADING DEVICE



CONCRETE COLUMNS



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"Yey Smart Design AM rated wate enration devices include rainwater tank en returned in the state of the state of the intellectual state of the state of the intellectual state of the state of the state are to be used in the development cooparities are encouraged to use AAA did this watering machines with front loadin, as possible.



O DRAFT
O ARCHITECTS

project:
Construction of a Mixe

×

Danny S Jacobs & Vito Penimpede

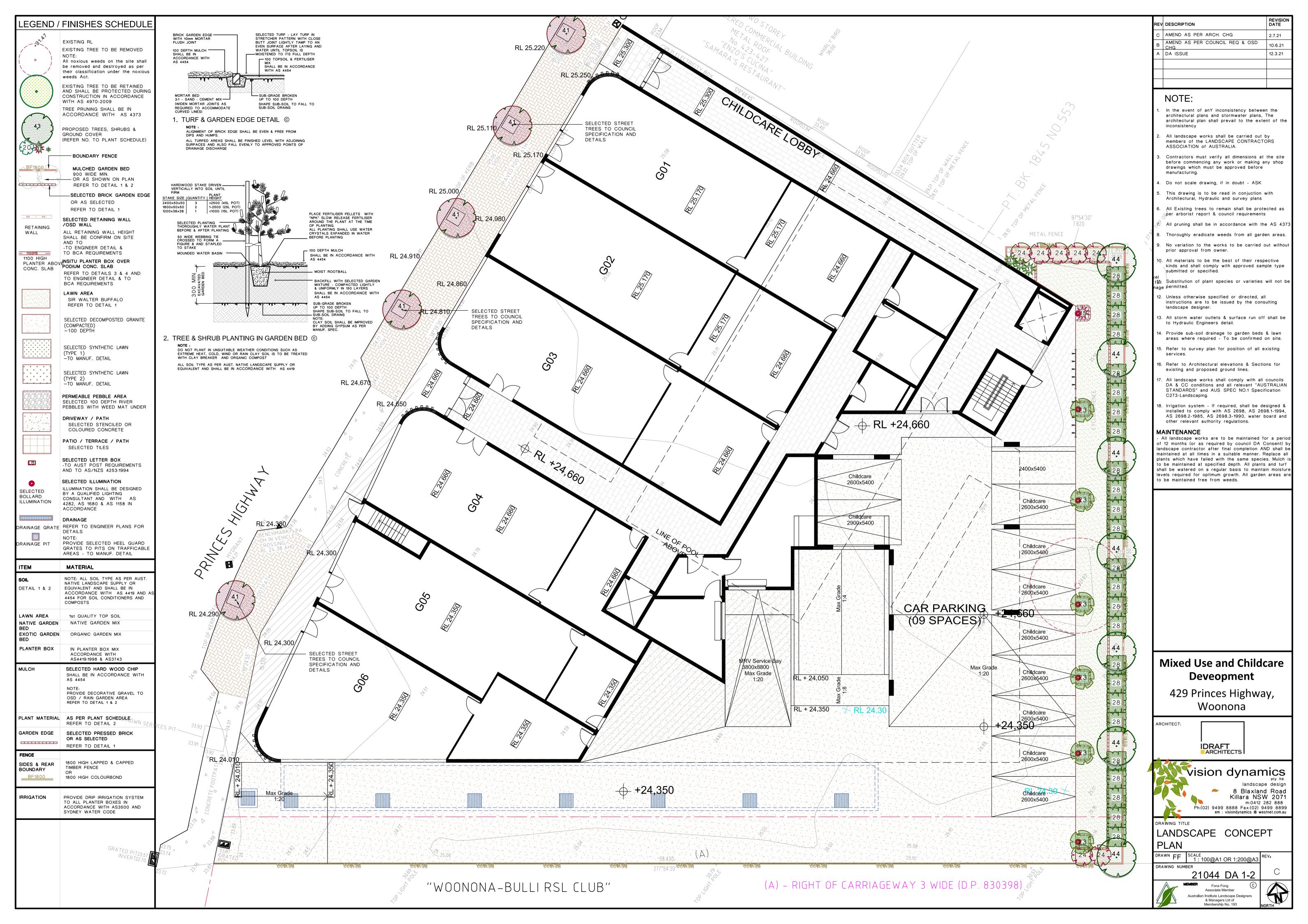
Wollongong City

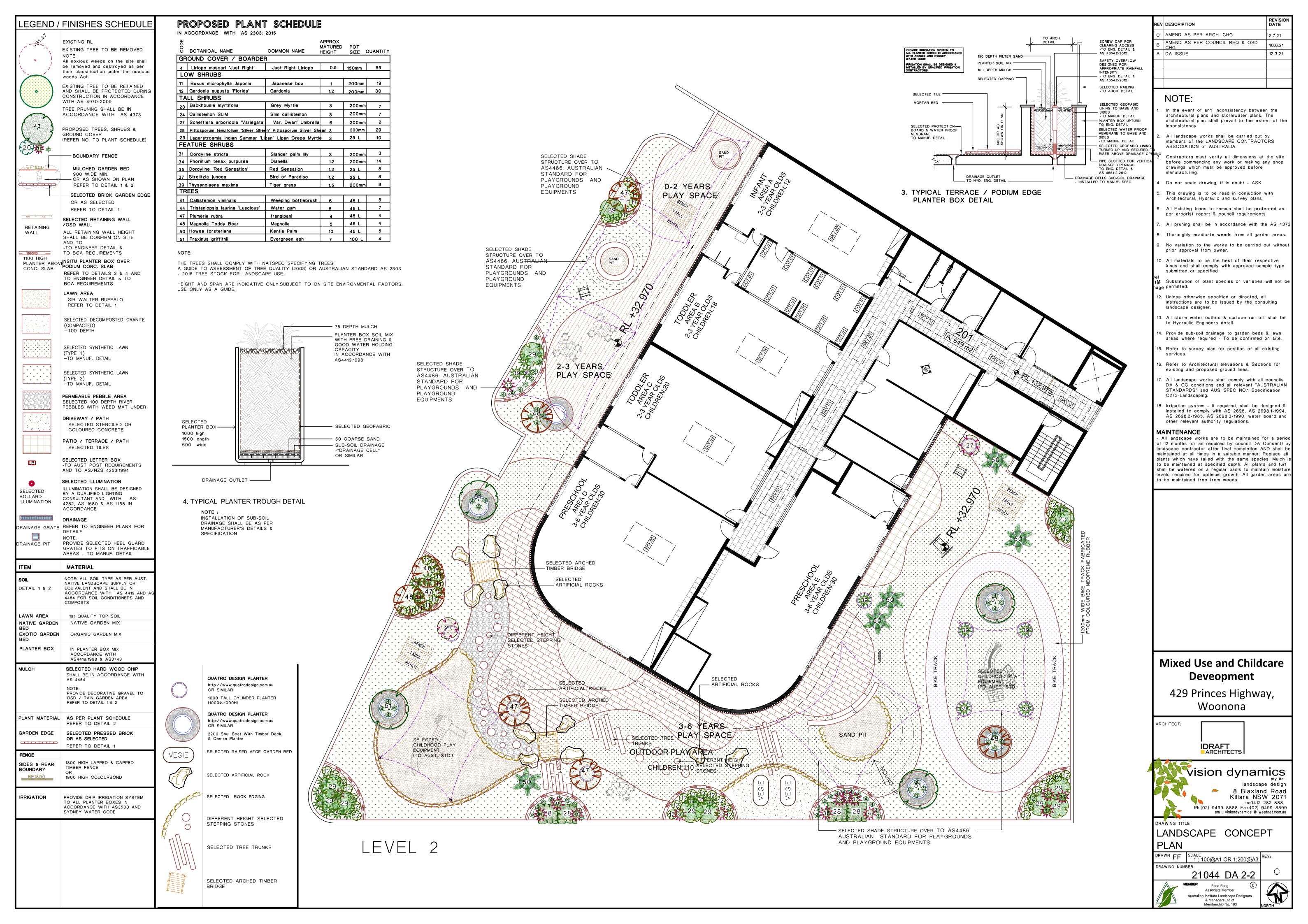
MATERIALS & FINISHES SCHEDULE

M.Trinh & P.Revollar

DA - ISSUE B
paper/scale:
NTS
date:
4/11/2021

50 date: 4/11/2021 70 job#: 7 28798





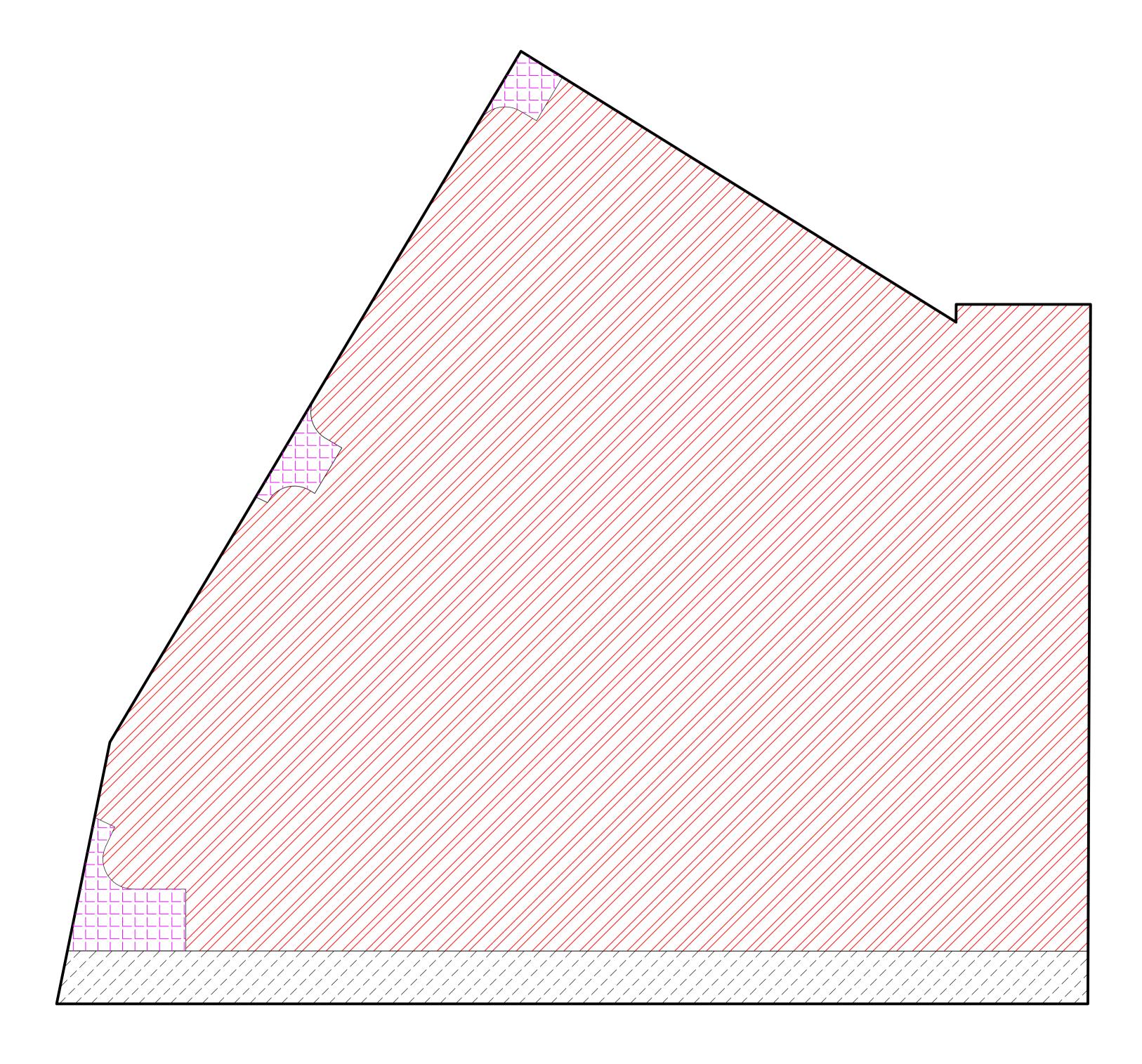
CATCHMENT LEGEND

OSD CATCHMENT AREA

OSD BYPASSING = 47m²

RIGHT OF WAY AREA NOT INCLUDED IN OSD CALCULATION = 174.0m²

TOTAL SITE AREA = 2263.7m²



OSD CATCHMENT PLAN SCALE 1:150

NOT FOR CONSTRUCTION

01/07/2021 AGN JSF COUNCIL COMMENTS ISSUE FOR DEVELOPMENT APPLICATION 10/03/2021 AGN JSF

IDRAFT ARCHITECTS Unit 43, 2 Slough Ave, Silverwater NSW PHONE: (02) 9648 8848

Danny s. Jacobs & Vito Penimpede Wollongong City Council

SCALE 1:150 @ A1



ACE CIVIL STORMWATER SERVICES PTY LTD ABN: 27 644 422 506 SHOP 2-141 CONCORD RD, NORTH STRATHFIELD, NSW 2137

429 PRINCES HIGHWAY, WOONONA PROPOSED MIX-USED DEVELOPMENT STORMWATER CONCEPT PLANS DEVELOPMENT APPLICATION

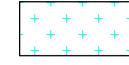
OSD CATCHMENT PLAN

Project No. 201168 Scale 1:150 Dwg. No. 106

CATCHMENT LEGEND

ROOF AREA TO WSUD = 774.4m²

IMPERVIOUS AREA TO $WSUD = 734.2m^{2}$



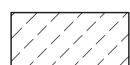
ROAD AREA TO WSUD = 410.3m²



PERVIOUS AREA TO WSUD = 123.8m²

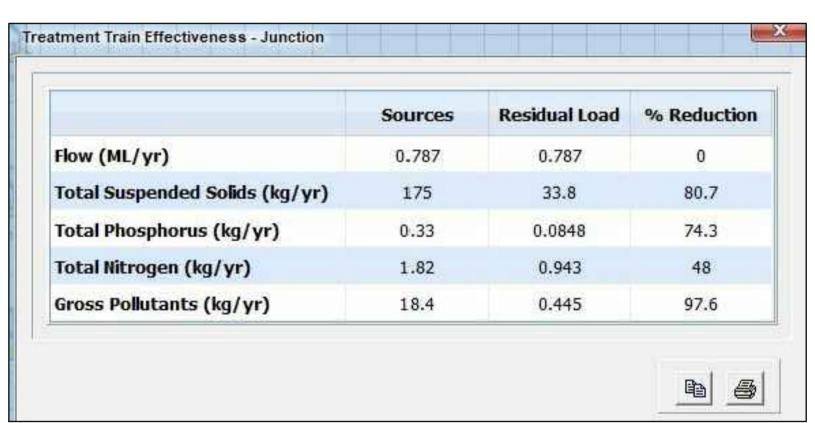


IMPERVIOUS AREA BYPASSING WSUD = 47m²

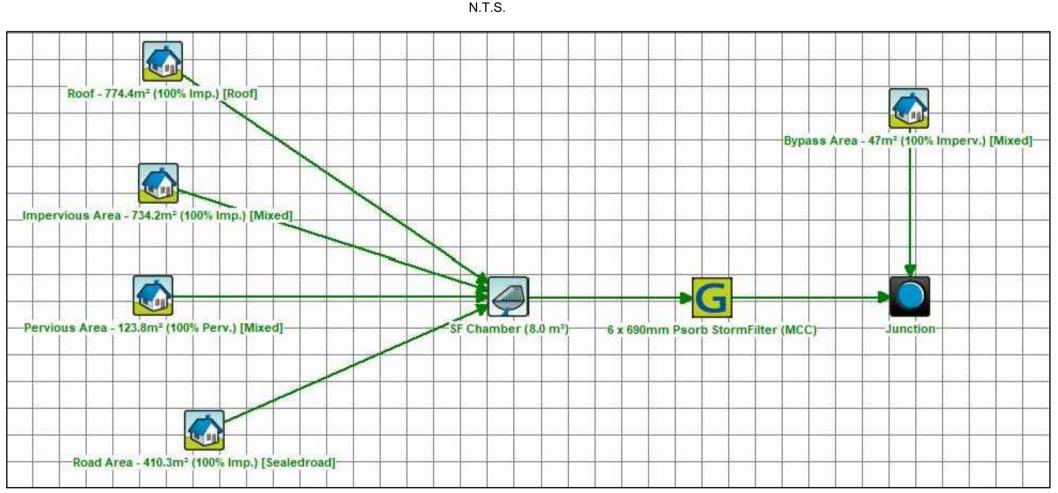


RIGHT OF WAY AREA NOT INCLUDED IN WSUD CALCULATION = 174.0m²

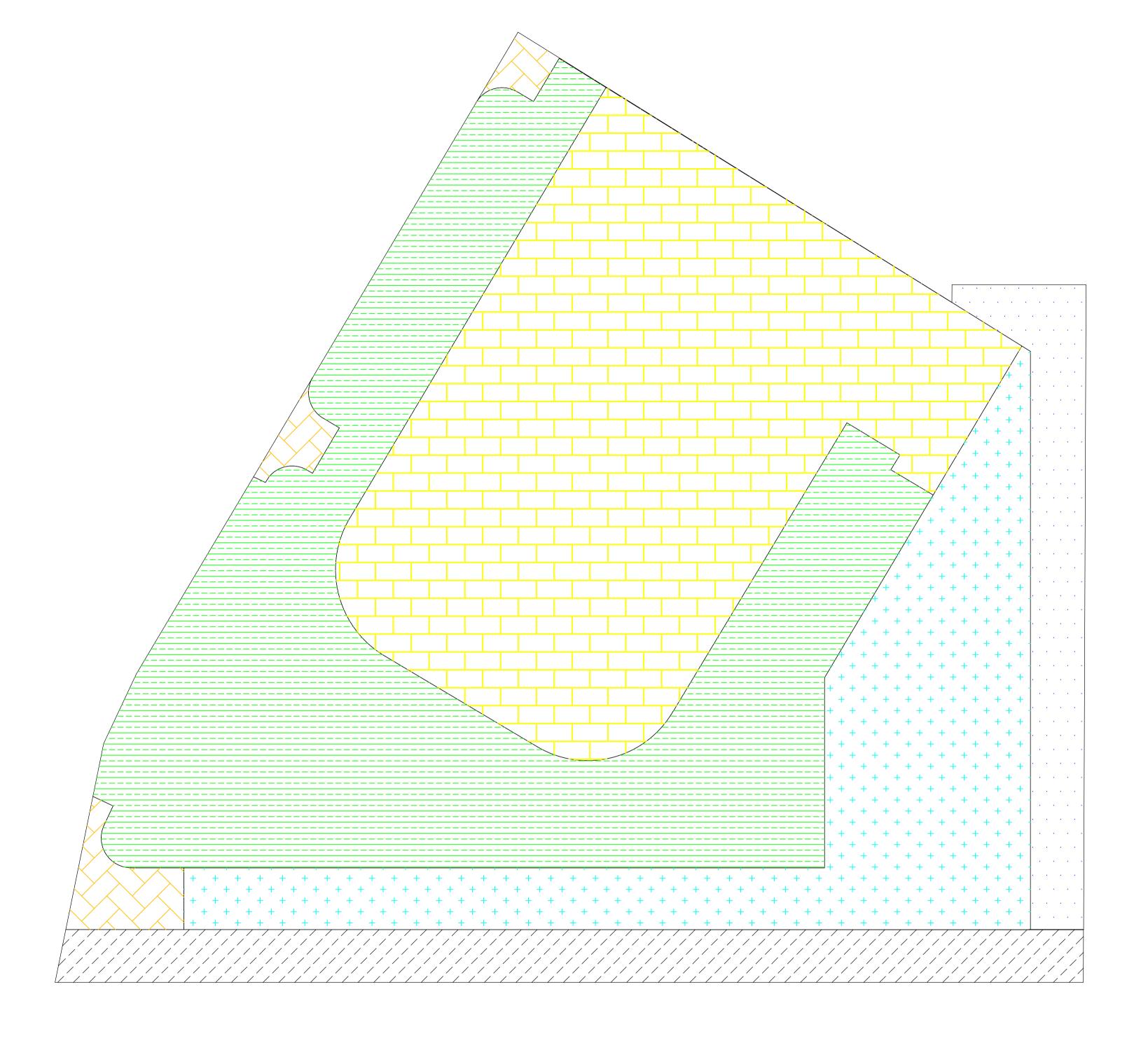
TOTAL AREA TO WSUD = 2042.7m²



MUSIC RESULT



MUSIC MODEL
N.T.S.



WSUD CATCHMENT PLAN SCALE 1:150

NOT FOR CONSTRUCTION

COUNCIL COMMENTS 01/07/2021 | AGN | JSF ISSUE FOR DEVELOPMENT APPLICATION 10/03/2021 AGN JSF

IDRAFT ARCHITECTS Unit 43, 2 Slough Ave, Silverwater NSW PHONE: (02) 9648 8848

Danny s. Jacobs & Vito Penimpede Wollongong

City Council

SCALE 1:150 @ A1

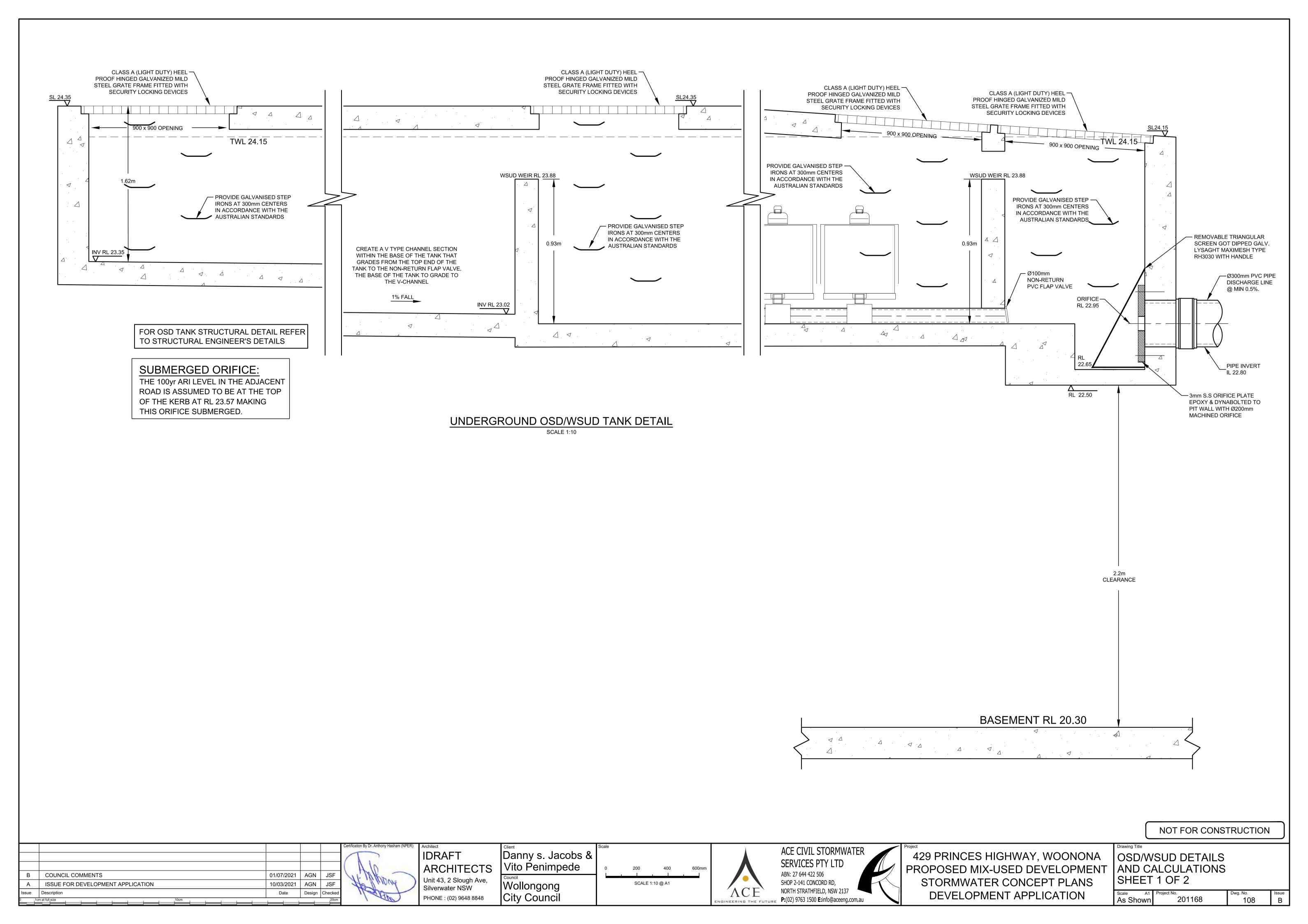


ACE CIVIL STORMWATER SERVICES PTY LTD ABN: 27 644 422 506 SHOP 2-141 CONCORD RD, NORTH STRATHFIELD, NSW 2137

429 PRINCES HIGHWAY, WOONONA PROPOSED MIX-USED DEVELOPMENT STORMWATER CONCEPT PLANS **DEVELOPMENT APPLICATION**

WSUD CATCHMENT PLAN MUSIC MODEL & RESULTS

Scale 1:150 Dwg. No. 107 201168



Post OSD tank Pipe1 Pit OF1 OF2

DRAINS WITHOUT RESULTS

OSD (I/s)

CONFINED SPACE SIGNAGE & STEP IRONS AT

ACCESS OF THE OSD TANKS. STEPS IRONS

SHALL ALSO BE PROVIDED EXTERNALLY TO

ALLOW ACCESS TO THE TOP OF THE TANK.

300mm CENTRES SHALL BE PROVIDED TO EACH

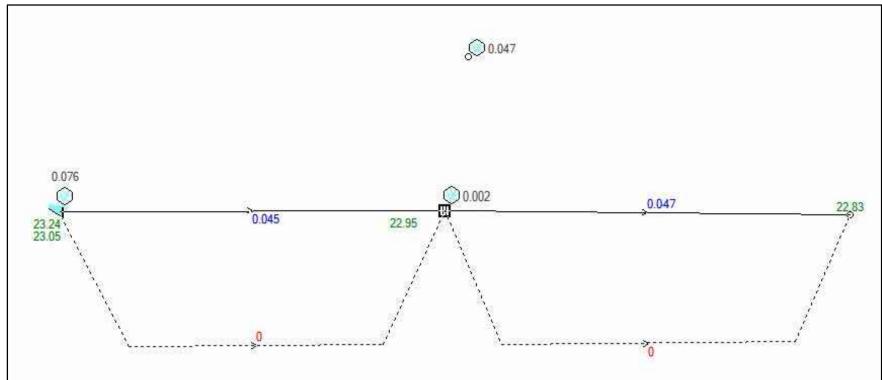
YEAR PRE DEVELOP FLOWS ORIFICE FLOWS OSD DISCHRGE | FLOWS BYPASSING

OSD NOTE:

100

128

45



DRAINS RESULTS 5yr

UNDERGROUND OSD TANK STAGED STORAGE CALCULATIONS

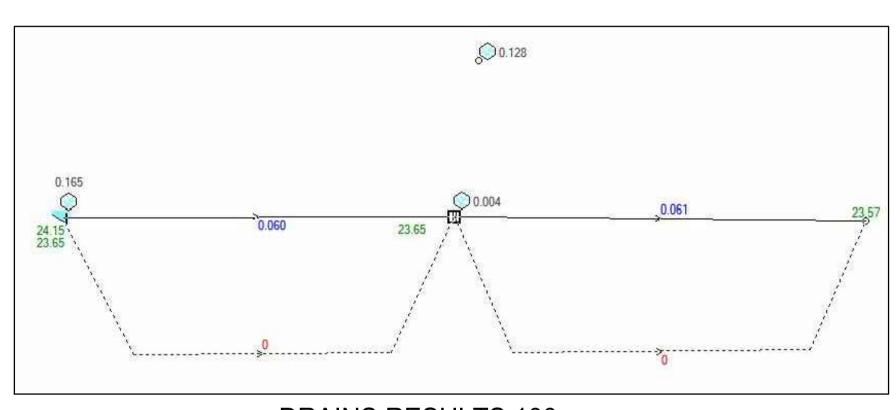
DEPTH (mm)	AREA (m²)	CUMULATIVE VOLUME (m³)
0	96.30	0
100	96.30	4.815
200	96.30	9.63
300	96.30	14.445
400	96.30	22.149
500	96.30	31.779
600	96.30	41.409
700	96.30	51.039
800	96.30	60.669
900	96.30	70.299
1000	96.30	79.929
1060	96.30	85.707

GENERAL NOTES

- 1. INLET AND OUTLET PIPING SHALL BE SPECIFIED BY SITE CIVIL ENGINEER (SEE PLANS) AND PROVIDED BY CONTRACTOR. STORMFILTER IS PROVIDED WITH OPENINGS AT INLET AND OUTLET LOCATIONS.
- 2. IF THE PEAK FLOW RATE, AS DETERMINED BY THE SITE CIVIL ENGINEER, EXCEEDS THE PEAK HYDRAULIC CAPACITY OF THE PRODUCT, AN UPSTREAM BYPASS STRUCTURE IS REQUIRED. PLEASE CONTACT STORMWATER360 FOR OPTIONS.
- 3. THE FILTER CARTRIDGE(S) ARE SIPHON-ACTUATED AND SELF-CLEANING. THE STANDARD DETAIL DRAWING SHOWS THE MAXIMUM NUMBER OF CARTRIDGES. THE ACTUAL NUMBER SHALL BE SPECIFIED BY THE SITE CIVIL ENGINEER ON SITE PLANS OR IN DATA TABLE BELOW. PRECAST STRUCTURE TO BE CONSTRUCTED IN ACCORDANCE WITH AS3600.
- 4. FOR SHALLOW, LOW DROP OR SPECIAL DESIGN CONSTRAINTS, CONTACT STORMWATER360 FOR DESIGN OPTIONS.
- ALL WATER QUALITY PRODUCTS REQUIRE PERIODIC MAINTENANCE AS OUTLINED IN THE O&M GUIDELINES. PROVIDE MINIMUM
- CLEARANCE FOR MAINTENANCE ACCESS.

 6. STRUCTURE AND ACCESS COVERS DESIGNED TO MEET
- AUSTROADS T44 LOAD RATING WITH 0-2m FILL MAXIMUM.
 7. THE STRUCTURE THICKNESSES SHOWN ARE FOR
- REPRESENTATIONAL PURPOSES AND VARY REGIONALLY.

 8. ANY BACKFILL DEPTH, SUB-BASE, AND OR ANTI-FLOTATION
- PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY SITE CIVIL ENGINEER.
- STORMFILTER BY STORMWATER360: SYDNEY (AU) PHONE: (02) 9525 5833, BRISBANE (AU) PHONE: (07) 3272 1872.



DRAINS RESULTS 100yr

Add

TOTAL SITE

DISCHARGE (I/s)

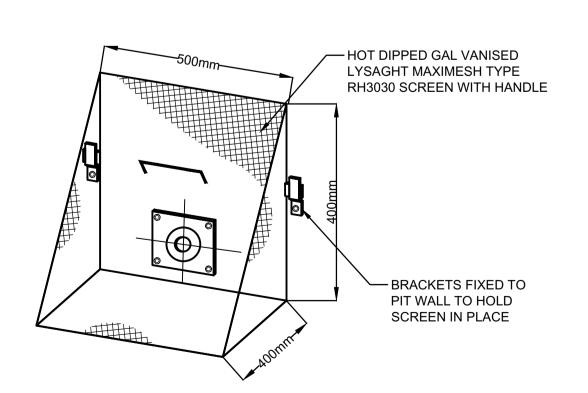
47

61

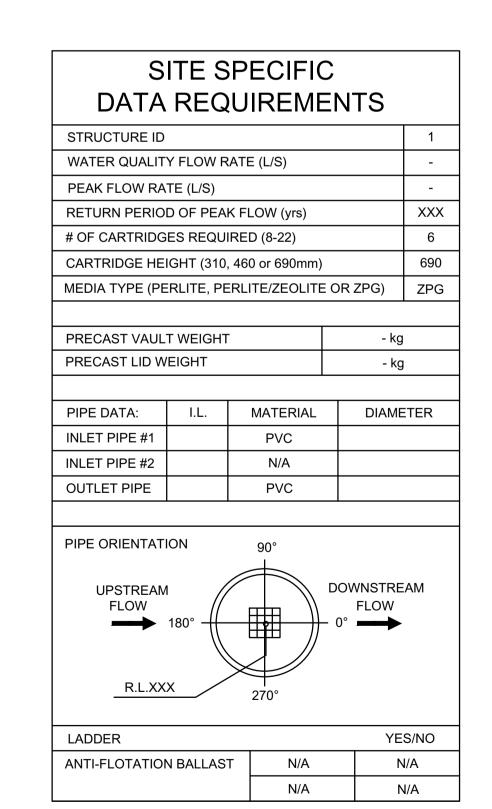
WATER STORAGE LEVEL

23.24

24.15

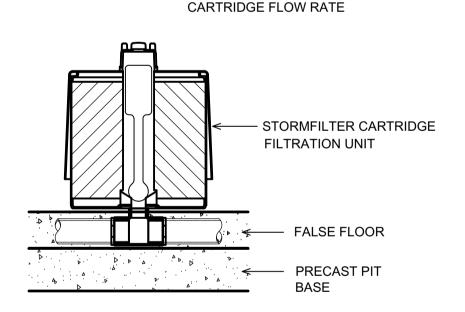


TRASH SCREEN DETAIL



STORMFILTER TABLE

NTS



SYSTEM HYDRAULIC DROP

STORMFILTER DESIGN TABLE

CARTRIDGE FLOW RATE (L/s)

 STORMFILTER TREATMENT CAPACITY VARIES BY NUMBER OF FILTER CARTRIDGES INSTALLED AND BY REGION SPECIFIC INTERNAL FLOW CONTROLS. CONVEYANCE CAPACITY IS RATED AT 80L/S.
 ALL PARTS PROVIDED AND INTERNAL ASSEMBLY BY STORMWATER360 AUSTRALIA UNLESS OTHERWISE NOTED.

CARTRIDGE HEIGHT	690	460	310
SYSTEM HYDRAULIC DROP (H - REQ'D. MIN.)	930	700	550
TREATMENT BY MEDIA SURFACE AREA L/S/m2	14 07	1.4 0.7	1.4 0.7

NOT FOR CONSTRUCTION

1.42 0.71 0.95 0.47 0.63 0.32

B COUNCIL COMMENTS

A ISSUE FOR DEVELOPMENT APPLICATION

Description

Date

Design Checked

OUTLET PIPE

CL 22.95

IL 22.80

UNDERGROUND OSD/WSUD

TANK PLAN VIEW

SCALE 1:50

INLET PIPE

2.7m

OSD AREA

WSUD WEIR AT

RL 23.88

INLET PIPE

CLASS C (HEAVY DUTY) HEEL PROOF HINGED GALVANIZED MILD

CLASS C (HEAVY DUTY) HEEL
PROOF HINGED GALVANIZED MILD
STEEL GRATE FRAME FITTED WITH
SECURITY LOCKING DEVICES

CLASS C (HEAVY DUTY) HEEL

WSUD

SECURITY LOCKING DEVICES

CLASS C (HEAVY DUTY) HEEL PROOF HINGED GALVANIZED MILD

SECURITY LOCKING DEVICES

3mm S.S ORIFICE PLATE EPOXY & DYNABOLTED TO PIT WALL WITH MACHINED ORIFICE

STEEL GRATE FRAME FITTED WITH

PROOF HINGED GALVANIZED MILD

STEEL GRATE FRAME FITTED WITH

STEEL GRATE FRAME FITTED WITH SECURITY LOCKING DEVICES

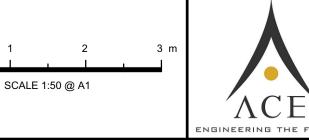
Certification By Dr. Anthony Hasham (NPER):

BF
cked
20cm

Architect
IDRAFT
ARCHITECTS
Unit 43, 2 Slough Ave,
Silverwater NSW
PHONE: (02) 9648 8848

Danny s. Jacobs & Vito Penimpede
Council Wollongong

City Council



ACE CIVIL STORMWATER
SERVICES PTY LTD
ABN: 27 644 422 506
SHOP 2-141 CONCORD RD,
NORTH STRATHFIELD, NSW 2137
P:(02) 9763 1500 E:info@aceeng.com.au

429 PRINCES HIGHWAY, WOONONA
PROPOSED MIX-USED DEVELOPMENT
STORMWATER CONCEPT PLANS
DEVELOPMENT APPLICATION

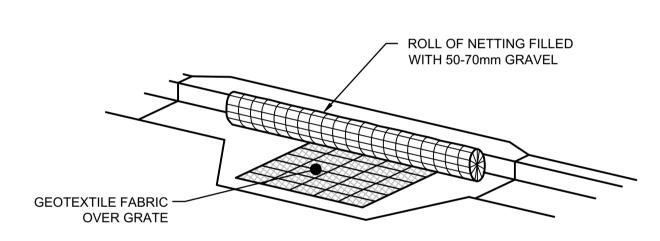
OSD/WSUD DETAILS
AND CALCULATIONS
SHEET 2 OF 2

 Scale
 A1
 Project No.
 Dwg. No.
 Issue

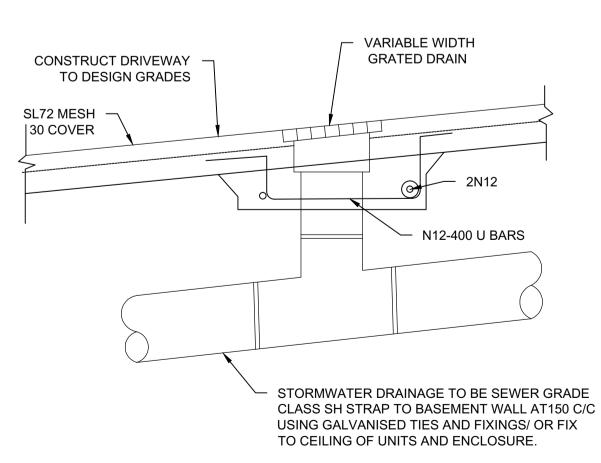
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 109
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SEDIMENT & EROSION NOTES

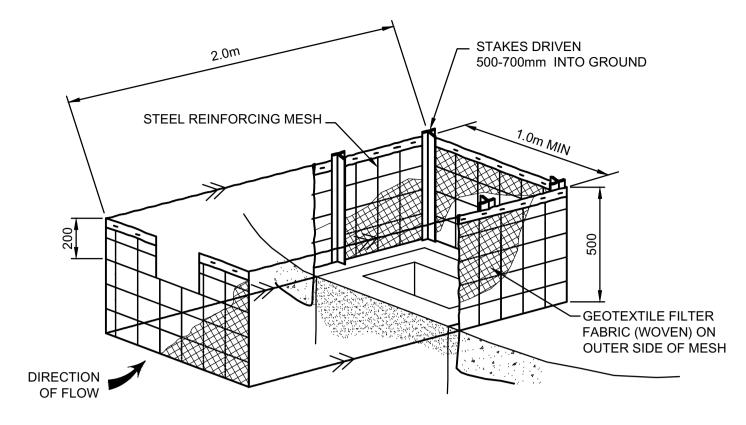
- 1. IMMEDIATELY FOLLOWING SETTING OUT OF THE WORKS, BUT PRIOR TO COMMENCEMENT OF ANY CLEARING OR EARTHWORKS, THE CONTRACTOR AND SUPERINTENDENT SHALL WALK THE SITE TO NOMINATE THE LOCATIONS AND TYPES OF SEDIMENT AND EROSION CONTROL MEASURES TO BE ADOPTED. THESE MEASURES SHALL BE IMPLEMENTED PRIOR TO ANY CLEARING OR EARTHWORKS AND MAINTAINED UNTIL THE WORKS ARE COMPLETED AND NO LONGER POSE AN EROSION HAZARD, UNLESS OTHERWISE APPROVED BY THE SUPERINTENDENT.
- 2. IMMEDIATELY FOLLOWING SETTING OUT OF THE WORKS, BUT PRIOR TO COMMENCEMENT OF ANY CLEARING OR EARTHWORKS, THE CONTRACTOR AND SUPERINTENDENT SHALL WALK THE SITE TO IDENTIFY AND MARK TREES WHICH ARE TO BE PRESERVED. NOTWITHSTANDING THE ABOVE, THE CONTRACTOR SHALL TAKE ALL REASONABLE PRECAUTIONS TO MINIMISE DISTURBANCE TO EXISTING VEGETATION AND GROUND COVER OUTSIDE THE MINIMUM AREAS REQUIRED TO COMPLETE THE WORKS AND SHALL BE RESPONSIBLE FOR RECTIFICATION, AT ITS OWN COST, OF ANY DISTURBANCE BEYOND THOSE AREAS.
- 3. PROVIDE GULLY GRATE INLET SEDIMENT TRAPS AT ALL GULLY PITS.
- 4. PROVIDE SILT FENCING ALONG PROPERTY LINE AS DIRECTED BY SUPERINTENDENT.
- 5. ADDITIONAL CONTROL DEVICES TO BE PLACED WHERE DIRECTED BY THE PRINCIPLE.
- 6. ALTERNATIVE DESIGNS TO BE APPROVED BY SUPERINTENDENT PRIOR TO CONSTRUCTION.
- 7. WASH DOWN/RUMBLE AREA TO BE CONSTRUCTED WITH PROVISIONS RESTRICTING ALL SILT AND TRAFFICKED DEBRIS FROM ENTERING THE STORMWATER SYSTEM.
- 8. NO WORK OR STOCKPILING OF MATERIALS TO BE PLACED OUTSIDE OF SITE WORK
- BOUNDARY. 9. APPROPRIATE EROSION AND SEDIMENT CONTROLS TO BE USED TO PROTECT
- STOCKPILES AND MAINTAINED THROUGH OUT CONSTRUCTION. 10. IT IS THE CONTRACTORS RESPONSIBILITY TO TAKE DUE CARE OF NATURAL VEGETATION. NO CLEARING IS TO BE UNDERTAKEN WITHOUT PRIOR APPROVAL FROM
- THE SUPERINTENDENT. 11. TO AVOID DISTURBANCE TO EXISTING TREES, EARTHWORKS WILL BE MODIFIED AS DIRECTED ON-SITE BY THE SUPERINTENDENT.
- 12. THE LOCATION OF EROSION AND SEDIMENTATION CONTROLS WILL BE DETERMINED ON SITE BY THE SUPERINTENDENT.
- 13. ACCESS TRACKS THROUGH THE SITE WILL BE LIMITED TO THOSE DETERMINED BY THE SUPERINTENDENT AND THE CONTRACTOR PRIOR TO ANY WORK COMMENCING.
- 14. ALL SETTING OUT IS THE RESPONSIBILITY OF THE CONTRACTOR PRIOR TO WORKS COMMENCING ON SITE. THE SUPERINTENDENT'S SURVEYOR SHALL PEG ALL ALLOTMENT BOUNDARIES, PROVIDE COORDINATE INFORMATION TO THESE PEGS AND PLACE BENCH MARKS. THE CONTRACTOR SHALL SET OUT THE WORKS FROM AND MAINTAIN THESE PEGS.
- 15. PLANS ARE MINIMUM REQUIREMENTS AND ARE TO BE USED AS A GUIDE ONLY. EXACT MEASURES USED SHALL BE DETERMINED ON SITE IN CONJUNCTION WITH PROGRAM OF CONTRACTORS WORKS etc.



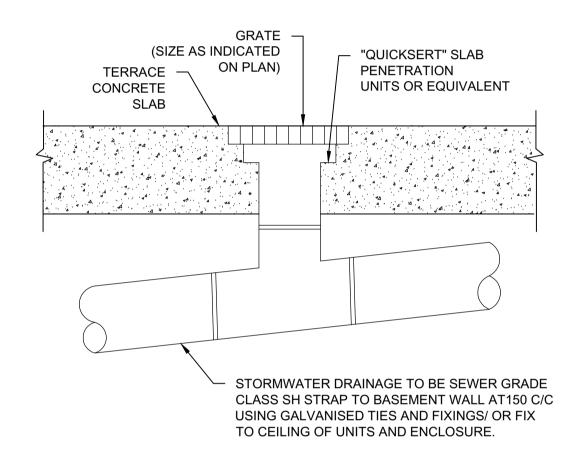
KERB INLET PROTECTION SAG GULLIES



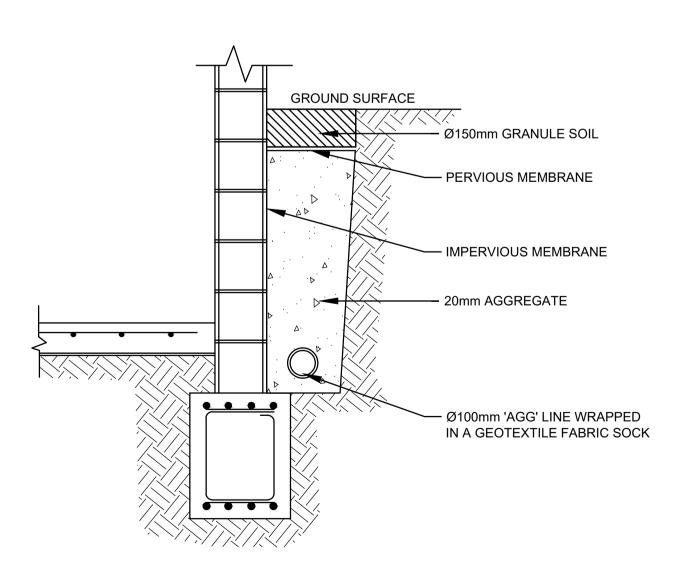
GRATED DRAIN DETAIL



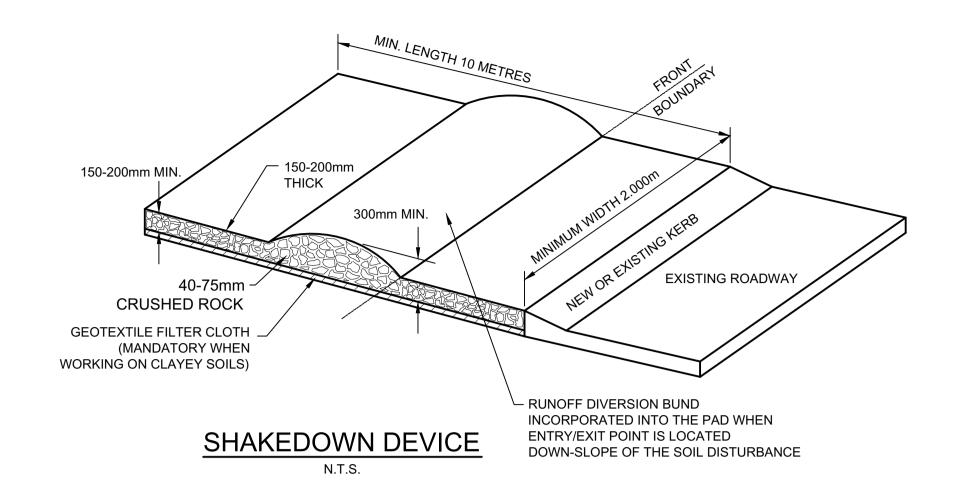
FIELD INLET SEDIMENT TRAP

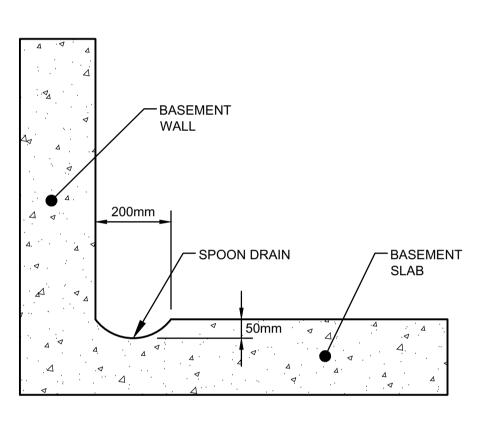


RAINWATER OUTLET DETAIL

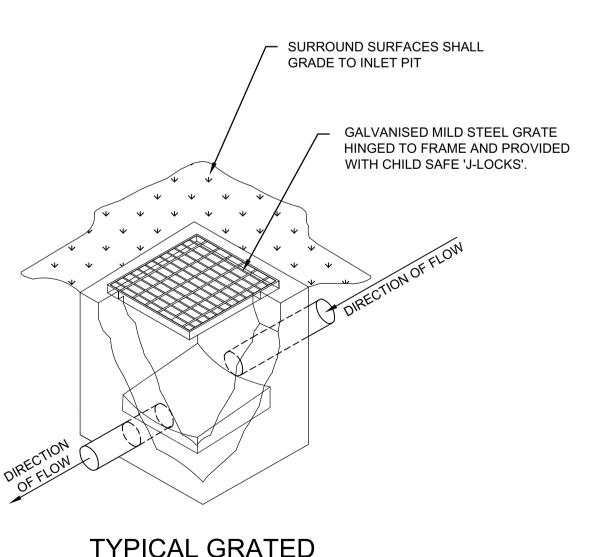


TYPICAL SUBSOIL DRAIN N.T.S



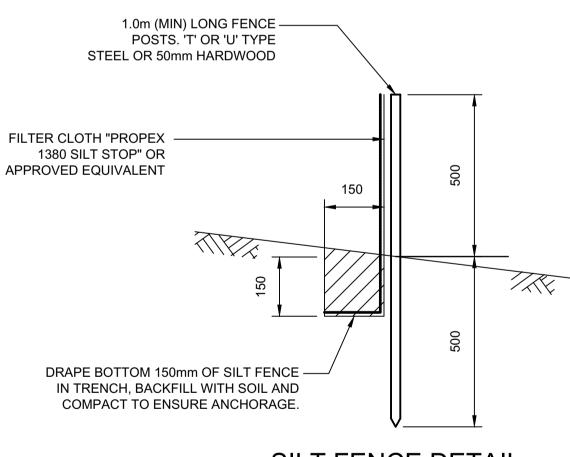


SPOON DRAIN SECTION DETAIL



TYPICAL GRATED **INLET PIT DETAIL**

N.T.S.



SILT FENCE DETAIL

SILT FENCE NOTES:

- 1. FILTER CLOTH TO BE FASTENED SECURELY TO POSTS WITH
- GALVANISED WIRE TIES, STAPLES OR ATTACHMENT BELTS.
- 2. POSTS SHOULD NOT BE SPACED MORE THAN 3.0m APART. 3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 150mm AND FOLDED.
- 4. FOR EXTRA STRENGTH TO SILT FENCE, WOVEN WIRE (14mm
- GAUGE, 150mm MESH SPACING) TO BE FASTENED SECURELY BETWEEN FILTER CLOTH AND POSTS BY WIRE TIES OR STAPLES
- 5. INSPECTIONS SHALL BE PROVIDED ON A REGULAR BASIS, ESPECIALLY AFTER RAINFALL AND EXCESSIVE SILT DEPOSITS REMOVED WHEN "BULGES" DEVELOP IN SILT FENCE
- 6. SEDIMENT FENCES SHALL BE CONSTRUCTED WITH SEDIMENT TRAPS AND EMERGENCY SPILLWAYS AT SPACINGS NO GREATER THAN 40m ON FLAT TERRAIN DECREASING TO 20m SPACINGS ON STEEP TERRAIN.

NOT FOR CONSTRUCTION

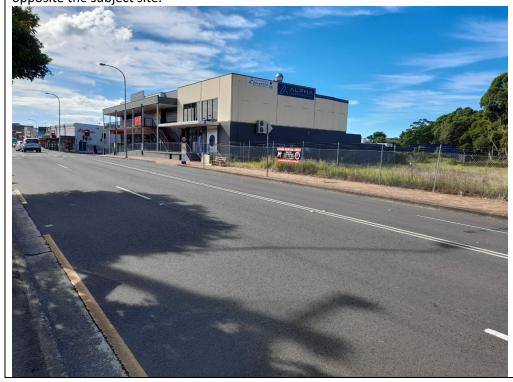
		Certification by Dr. Antiony nasriam (NPER).	IDRAFT	Danny s. Jacobs & Vito Penimpede	0 200 400 600mm		ACE CIVIL STORMWATER SERVICES PTY LTD	42		MISCELLANEOUS	
B COUNCIL COMMENTS A ISSUE FOR DEVELOPMENT APPLICATION	01/07/2021 AGN JSF 10/03/2021 AGN JSF	Ho Mory	Unit 43 2 Slough Ave	Council Wollongong	SCALE 1:10 @ A1		ABN: 27 644 422 506 SHOP 2-141 CONCORD RD,	PR	OPOSED MIX-USED DEVELOPMENT STORMWATER CONCEPT PLANS	DETAILS SHEET	
Issue Description 1 cm at full size 10cm	Date Design Checker	d Market	PHONE : (02) 9648 8848	City Council		ACE ENGINEERING THE FUTU	NORTH STRATHFIELD, NSW 2137 P:(02) 9763 1500 E:info@aceeng.com.au		DEVELOPMENT APPLICATION	Scale A1 Project No. N.T.S. 201168	Dwg. No. Issue B

ATTACHMENT 2 – Site Photos



Date: 11 May 2021

Description: View North east along the street scape within the Woonona business centre North east of the subject site. Photo taken from the Western side of the Princes highway opposite the subject site.



Description: View of the street scape South of the subject site. Photo taken from the Western side of the Princes highway opposite the subject site.



Date: 11 May 2021

Description: Adjoining development to the North east of the subject site as viewed from the subject site.



Description: View South towards Woonona-Bulli RSL adjoining the subject site as viewed from the subject site.



Date: 11 May 2021
Description: View of residential development opposite the subject site on the Western side of the Princes Highway. Photo taken from subject site.



Description: View South west towards aged care facility. WLEP 2009 Heritage Item 61007 – Former Uniting Church to the left of photo.



Date: 11 May 2021

Description: View North west towards child care centre located in WLEP 2009 Heritage Item 6195 – Woonona Post Office to the right of photo.



Description: View to the North east of the subject towards the residential development to the rear of the subject site. Photo taken from the subject site.

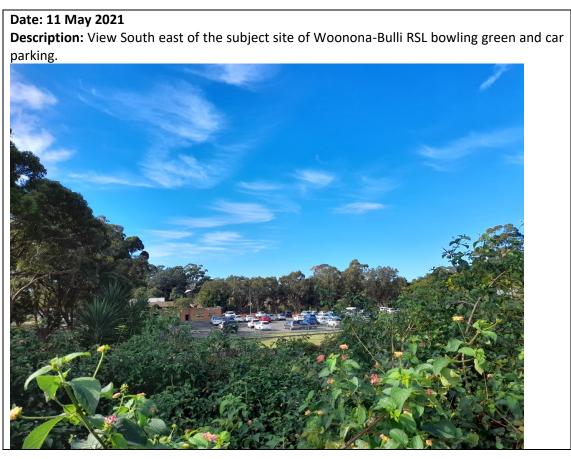


Date: 11 May 2021

Description: View East of the subject site. SP# zoned portion of land in foreground and rear yards of residential development beyond. Photo taken form rear boundary of the subject site.







6 September 2021

Mr Rodney Thew Senior Development Project Officer Wollongong Council

Dear Rodney

DA-2021/321- MIXED USE PROPOSAL- 429 PRINCES HIGHWAY, WOONONA

I refer to the above development and Council's additional information letter dated 23 August 2021.

Following that the design team have undertaken amendment to the scheme to respond to the key issues noting a reduction in the size of the child care centre to 90 places, adjustment to the colours and finishes as agreed, and provision of the requested contamination material.

A revised package is provided to enable assessment of the proposal.

We note the Councils comment regarding the exceedance of the 11m height standard and an updated Clause 4.6 variation request is contained at Annexure 1 of this letter which enables support of the minor height breach.

Conclusion

I trust the above in conjunction with the attached additional information responds to Council 's issues and that any remaining concerns with the project can be conditioned to allow a report recommending approval of the application to be finalised

Should you require any further information, I can be contacted on 9687 8899.

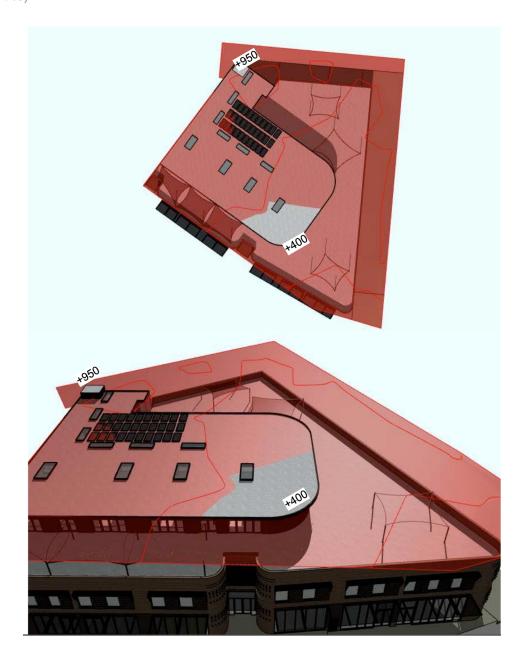
Jonathon Wood
Director
Think Planners Pty Ltd
PO BOX W287
PARRAMATTA NSW 2150



ANNEXURE 1: CLAUSE 4.6 VARIATION REQUEST - BUILDING HEIGHT

Background to the Departure

The 3d height plane on the architectural plans shows the extent of departure visually noting it is limited to the upper portion of the roof element only and the lift over-run. The building roof exceeds by only 400mm (3.6%) and the lift over-run by 950mm (8.6%).





Relevant Case Law

There are a number of recent Land and Environment Court cases including Four 2 Five v Ashfield and Micaul Holdings Pty Ltd v Randwick City Council and Moskovich v Waverley Council, as well as Zhang v Council of the City of Ryde.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) NSWLEC 118 confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact Is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The approach in Al Maha was reinforced by **RebelMH Neutral Bay Pty Limited v North Sydney Council** [2019] **NSWCA** 130 where is was found that:

... in order for a consent authority to be satisfied that an applicant's written request has "adequately addressed" the matters required to be demonstrated by cl 4.6(3), the consent authority needs to be satisfied that those matters have in fact been demonstrated. It is not sufficient for the request merely to seek to demonstrate the matters in subcl (3) (which is the process required by cl 4.6(3)), the request must in fact demonstrate the matters in subcl (3) (which is the outcome required by cl 4.6(3) and (4)(a)(i)).

Finally the decision in *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61 confirmed that the consent authority must be directly satisfied that the matters are adequately addressed in the written Clause 4.6 variation request.

On that basis it is necessary that the following be satisfied.



- The consent authority must be satisfied the written request demonstrates the matters in Clause 4.6(3).
- The consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and zone is not a requirement to "achieve" those objectives.
 - It is a requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.
- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.
- The proposal is required to be in 'the public interest'.



Clause 4.6 of the LEP

Clause 4.6 of the Wollongong LEP 2009 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular sub clause 3-5 which provide:

- 3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - 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.
- 4) Development consent must not be granted for development that contravenes a development standard unless:
 - a. the consent authority is satisfied that:
 - i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - 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
 - b. the concurrence of the Secretary has been obtained.
- 5) In deciding whether to grant concurrence, the Secretary must consider:
 - a. whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - b. the public benefit of maintaining the development standard, and
 - c. any other matters required to be taken into consideration by the Secretary before granting concurrence.

Each of these provisions are addressed in turn.

Clause 4.6(3)- Objectives of the Standard

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.



The objectives of the building height development standard are stated as:

- 1) The objectives of this clause are as follows:
 - (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
 - (b) to permit building heights that encourage high quality urban form,
 - (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.

The current development proposal seeks to depart from the height control owing to cross-fall from north to south that means that the building is below the height limit to the north to the roof form and marginally above on the southern edge given the consistent roof RL to present an integrated built form outcome and the need for consistent finished floor levels through the first and second floors. Hence the minor 400mm exceedance at the southern end is offset by a comparable reduction in height on the northern end relative to NGL.

The second aspect is the lift over-run in the north eastern corner that projects above the height plane to achieve the required size for the lift and it is appropriate to provide a separate lift to a child care centre to separate it from other uses. Further the location of the breach is at the rear of the site where it is not visible and has no impact on surrounding properties.

Despite the numerical departure the proposal remains consistent with the objectives of the clause because:

- The overall height of the development presents as a compatible form of development noting that the development adopts a 3 storey form and complies with the FSR control applying to the development and the extent to which the height exceeds the height limit to parts of the buildings is the roof slab and a lift over-run which is minor and the building will present as a compliant height to the public domain.
- The design of the proposal adopts a high quality urban form and outcome and the heights of the actual buildings presents as a 3 storey form that would be expected in such a zone.
- The adjoining properties and public areas are not compromised through the height departure as it relates to views of the sky and exposure to sunlight owing to the lot orientation and location of the height departure
- The proposal presents a high quality urban form and provides suitably daylight access to surrounding properties;



- The proposal will not result in unacceptable 'view loss' on the basis that the majority of the height, and the setbacks, are consistent with the planning controls and the extent of breach to the lift over-run is in the north-eastern corner where it has the least impact to adjoining properties.

Therefore the proposal satisfies the objectives of the control.

Clause 4.6(3)- Environmental Planning Grounds

In relation to environmental planning grounds the variation to the height standard is satisfactory on these grounds for the following reasons:

- The penetration of the height limit arises from the lift over-run which is an essential element for accessibility to the building and specifically the provision of a 2nd dedicated lift for the child care component which is suitable to provide a separate lift access point to the centre.
- The roof slab departure is a function of the site topography and the need to adopt consistent FFL's to the first and second floor which is a better outcome for the recreation facility and the child care proposal that is facilitated by the departure to the height standard as a 'staggered' building would look poor and also sacrifice the functionality of the building for its intended purposes.
- The additional height proposed does not result in detrimental environmental planning outcomes, as it does not give rise to adverse solar access, or visual or acoustic privacy impacts on site, or to neighbouring properties.
- The departure to the height standard furthers the objects of the Environmental Planning and Assessment Act 1979 as set out below:
 - o To promote the orderly and economic use and development of land
 - To promote good design and amenity of the built environment through the provision of suitable finished levels to the development and the provision of lift access.

Zone Objectives of the SP3 Zone

The relevant objectives are prescribed as:

• To provide for a variety of tourist-oriented development and related uses.

The proposal is consistent with the objectives of the zone, noting:

- The development will provide for a range of and variety of uses on the site including the food and beverage offering, the gym, and the child care centre which are suitable and expressly permitted in the SP3 zone.



The proposal is consistent with the objectives of clause 4.6 and the SP3 zone.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the zone as addressed previously in this statement.

It is understood that the concurrence of the Secretary can be assumed in the current circumstances.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Secretary may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the unique site attributes.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.



ATTACHMENT 4 - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 ASSESSMENT

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

No variations to Council's Development Control Plans are proposed.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP as detailed below.

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

- (a) Greenhouse gas emissions will be reduced.
- (b) Potable water use will be reduced.
- (c) Development can adapt to climate change.
- (d) Waste will be reduced.
- (e) Recycling of waste and use of products from recycled sources will be increased.
- (f) Energy that is used will be renewable and low carbon.
- (g) Indoor environmental quality is improved.
- (h) The environmental impacts from building materials will be reduced through reduction, reuse and recycling of materials, resources and building components.

The proposal is for construction of a mixed use development consisting of basement parking, retail premises (Food and Drink premises) and neighbourhood shop, Gymnasium, Childcare centre and six (6) awning signs.

Therefore, an assessment of the proposal has been undertaken against the provisions of Chapters B3 and B4 of WDCP 2009 as detailed below.

Overall, the proposed development has been considered against the provisions of WDCP (2009) and found to be acceptable in this case.

Wollongong Development Control Plan 2009			
Control	Required	Proposed	Compliance
Chapter B3 Mixed Use	Development		
4.1 Minimum site width	24m	60.675m approx. frontage to Princes Highway	Yes
4.2 Max floor space	1.5:1	1.409:1	Yes
ratio/density	(3394.5m²)	(3189.66m²)	
4.3 Building Height	11m	11.95m maximum	No -refer to considerations at Section 2.1.5 of Assessment Report and Attachment 3
4.4 Front setback	Does not apply to SP3	Varies from zero to a 2.3m building line setback along	Yes

	Zone.	Princes Highway.	
4.5 Side and Rear setbacks/building separation	Buildings of 4 storeys adjoining residential zones: 6m habitable room/balcony	Side Setbacks: North East - Om to adjoining commercial development within B2 zone South – 6.5m adjoining lot zoned	Yes
	3.5m non-habitable room/blank wall faces an adjacent property	SP3 Rear Setbacks:	Yes
	Continuous street line/zero side setback is required for majority of mixed use development within B2 Local Centre zone	The adjoining parcel of land to the rear of the subject site is zoned SP3. The proposed development is setback 3.299m from this parcel of land. To the rear of this parcel of land is residential zoned land. The proposed development at its closest point, the access lift for the child care centre with the residential zoned land is setback 10.999m to the rear boundary.	Yes
		The outdoor area for the child care centre has rear setback of 6.675m to the SP3 zoned land and 14.375m to the residential zoned land.	
		Therefore it is considered that the proposed development satisfies the rear setback controls for mixed use development in this circumstance.	
4.6 Built form	 Appearance to be in harmony with surrounding buildings and streetscape 	Details of the application submission were referred to Council's Design Officer for comment and the following advice was received:	Yes
	 Siting, form height and external appearance to be sympathetic to surrounding 	• The front façade is appropriate for the streetscape and presents as two storey. The use of brick is also representative of a number of heritage items in the area.	
		The proposed design enhances the public realm over the existing empty lot, extending the commercial area towards the RSL and may provide additional	

		amenity to the southern end of the Woonona high street.	
4.7 Active street frontage	Mixed use buildings to provide ground floor active street frontages.	Active street frontage proposed along Princes Highway.	Yes
	No more than 5 metres of ground floor wall without door or window.	Windows and doors less than 5m apart on elevation	
	Windows should make up 50% of the ground floor.	Elevations demonstrate that greater than 50% of ground floor façade consists of windows/glazing	
	Direct pedestrian access and visual presentation from front of building	Direct pedestrian access to retail, commercial and child care centre demonstrated	
4.8 Awnings	Continuous awnings where required	Awning proposed along Princes Highway, consistent with surrounding buildings.	Yes
4.9 Car Parking	Parking for cars, motorcycles and bicycles shall be provided in accordance with Chapter E3	See Chapter E3 below.	Yes
	Access driveways to car parking areas must be positioned to minimise impacts on the streetscape.	Access to car parking off Princes Highway. Details of the application submission including the proposed vehicular access arrangements were referred to Council's Traffic Officer for comment. Advice received is that the proposed access is considered conditionally satisfactory.	
	Car parking areas should be designed to conveniently, efficiently and appropriately serve residents and visitors of the site.	Car parking areas appropriately defined and separated across 2 basement levels and the ground floor level.	
4.10 Basement car parking	The scale and siting of the basement carpark must not impact upon the ability of the	The proposed development is considered to satisfy Council's landscaping controls in this circumstance. Details of the	Yes

	development to satisfy minimum landscaping requirements. Roof of basement podium max 1.2m.	application submission were referred to Council's Landscape Officer for comment. Advice received is that the application is considered conditionally satisfactory. Roof of basement not above existing ground level	
4.11 Driveways	Provide driveways to parking areas from lanes and secondary streets rather than the primary street, wherever practical.	Driveway proposed off Princes Highway. The subject does not have frontage to any other street.	Yes
	Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, being AS 2890.1.	Assessed by Council's Traffic Officer and is satisfactory	
4.12 Landscaping	Landscaping within mixed use developments must be provided on terraces or balconies where required for screening purposes. Green roofs, green walls and landscaping on podium and planters must provide sufficient soil depth. Green walls encouraged Public domain improvements and street trees.	Landscaping provided on podium level and roof top terrace as indicated on elevation plans. Details of the application submission including the submitted Landscape Plan were referred to Council's Landscape Officer for comment. Advice received is that the proposed development is considered conditionally satisfactory with regard to 4.12.	Yes
	Landscape Plan required.		
4.13 Communal open space	5sqm per dwelling = (32 x 5) 160sqm COS areas must have minimum 5m width	Not Applicable	N/A
	Within mixed use developments the		

	communal open space area may be provided as either an internal or external space Roof top terraces will not be accepted as communal open space Communal open space must eb easily accessible and integrated with landscaping		
4.14 Private Open Space	When provided in form of a balcony, the balconies must have a minimum area of 12sqm and width of 2.4m. Avoid locating primary balconies towards side setbacks. Primary balcony of at least 70% of the residential dwellings shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.	Not Applicable	N/A
4.15 Solar access	Mixed use developments must aim to maximise the number of dwellings having a northern aspect. Where a northern aspect is available, the living spaces and balconies of such apartments must typically be orientated towards the north. Maximise dual oriented units. Single aspect, single storey apartments should preferably have a northerly or easterly aspect and a reduced depth to allow for access of natural light to all habitable spaces. The living rooms and private open space of at least 70% of apartments	Not Applicable	N/A

4.17 Acoustic privacy	Acoustic report required for residential apartments.	roposed with this application. The proposed development will have minimal impact on the adjoining development in terms of overlooking for the following reasons: The upper level windows on the eastern elevation are to allow light and ventilation to the child care centre rooms and access corridor for the lift and offices and/or surveillance of the outdoor play area and are set well back from the site boundaries. The windows to the first floor are highlight windows to allow some passive surveillance of the car park to the rear of the building. Landscaping is proposed to the Eastern boundary of the subject site. Reasonable setbacks generally have been maintained to the site boundaries. Controls within this section generally apply to any proposed residential component of a mixed use development. The development, however, does proposed noise sensitive	Yes
4.16 Visual privacy	within the subject development must receive a minimum of three (3) hours direct sunlight between 9.00am and 3.00pm on 21 June. The number of single aspect apartments with a southerly (southwesterly to southeasterly) aspect shall be limited to a maximum of 10% of the total number of apartments proposed in the development. Buildings are to be designed to increase	No residential development is	Yes

		development and is within the vicinity of residential development as such an acoustic report as part of the application submission. Details of the application submission including the submitted acoustic report were referred to Council's Environment Officer for comment. Conditions 12, 61 and 118 included at Attachment 7 account for compliance with the recommendations of the Acoustic report such that noise levels received by occupants and occupants of surrounding development do not exceed permitted levels.	
4.18 Adaptable and universally designed housing	10% of all dwellings must be designed to be capable of adaptation.	Not Applicable	N/A
4.19 Apartment mix and layout	Apartment mix required for development with more than 10 dwellings. 10% of dwellings must be one bedroom/studio.	Not Applicable	N/A
4.20 Natural ventilation	The residential component of mixed use developments shall have a building depth of between 10 and 18m A minimum of 60% of all residential apartments must be naturally cross ventilated.	Not Applicable	N/A
	Twenty five (25%) of kitchens within a development must have access to natural ventilation. Where kitchens do not have direct access to a window, the back of the kitchen must be no		

	more than 8m from a window.		
	To maximise natural ventilation and natural daylight opportunities, upper level residential apartments in a building should include corner apartments, cross over or cross through apartments, split-level apartments or shallow, single aspect apartments only.		
	Single aspect apartments must be limited in depth to 8 metres from a window.		
	Crossover or cross through apartments must be no greater than 15 metres deep (excluding balconies or terraces)		
	The minimum width for residential apartments should be at least 6 metres		
4.21 Adaptive reuse	Shop top housing is encouraged.	Not Applicable	N/A
4.22 CPTED	Ensure that the building design allows for casual surveillance of access ways, entries and driveways.	See Chapter E2 below Building is appropriately designed to provide casual surveillance of the entry and driveway/car park at rear.	Yes
	Avoid creating blind corners in pathways, stairwells, hallways and car park	The commercial and child care access is separated. The entry is easily identifiable. The child care and commercial lifts are legible	
	Provide entrances in prominent positions that are easily identifiable with visible numbering	with a clear line of sight from the entry.	
	Avoid the creation of obscure or dark alcoves, which might conceal intruders. Provide clear lines of sight and well-lit routes throughout the		

development.	
The number of dwellings accessible from a single	
lift or corridor is limited	
to a maximum of eight (8) per floor	

B4: Development in Business Zones

The application submission proposes a mixed use development consisting of commercial/retail development within a SP3 zone.

Chapter B4 itself does not apply to a review has been undertaken against the controls of Chapter B4 given the site adjoins B2 zoned land and proposes commercial/retail development.

given the site adjoins B2 zoned land and proposes commercial/retail development.			
7 Planning requirements for development in town centres		Not Applicable. The site is not mapped as being within the Woonona town centre	N/A
9.2.1 Floor configuration	Ground floor at level determined by existing footpath levels.	Ground floor matches existing footpath levels.	Yes
	Any retail premises of less than 200m2 in gross floor area should generally have a depth to width ratio ranging between 1:1 and a maximum 3:1.	Retail 01 and 02 greater than 200m ² GFA. The depth to width ratio of the retail section is 2:1	Yes
	The max building depth for ground floor retail or commercial office development 20 metres with openings on one side only.	Ground floor retail have openings on two sides. The depth is less than 30m.	Yes
	The max building depth for retail or office building with openings on two or more side 30 metres		Yes
	Floor to ceiling height 3.3m.	Up to 5.02m as indicated on section plan.	Yes
	The retail frontage at street level for individual retail shops/units to	Ground floor divided into two separate retail shops/units	Yes

	match the existing traditional retail shop pattern	which matches existing shop pattern.	
9.2.2 Building appearance	New retail or business development shall continue the predominant built form character of the locality. For large buildings including multi-storey mixed use buildings, the treatment of the facades should be designed to provide character, visual legibility and human scale and to delineate the distinct uses. The external building materials and finishes of any retail or business development should be sympathetic to the existing fabric and character of buildings within that retail and business precinct. Facades facing each street or lane should be composed as at least three distinct layers	Details of the application submission were referred to Council's Design Officer for comment and the following advice was received: • The front façade is appropriate for the streetscape and presents as two storey. The use of brick is also representative of a number of heritage items in the area. • The proposed design enhances the public realm over the existing empty lot, extending the commercial area towards the RSL and may provide additional amenity to the southern end of the Woonona high streetThe external building materials and finishes are appropriate for the locality.	Yes
	New buildings should maintain the balance of horizontal and vertical proportions of other existing buildings in the locality. The profile of parapets and roof top elements should be integrated in the overall roof design	The horizontal and vertical proportions on ground and first floor level at the street are compatible with surrounding two storey buildings. Parapets and roof top elements are integrated in the overall roof design.	Yes

	of the building.		
	Highly reflective finishes, reflective glass and curtain wall glazing are not permitted above ground floor level.	No highly reflective finishes or reflective glazing is proposed above ground floor level.	Yes
	New development must be accompanied by a schedule of proposed external building materials and finishes to be used on the external facades of the building.	Schedule of materials and finishes provided.	
9.2.3 Building alignment	Buildings should be aligned with footpaths to create spatial enclosure and a sense of place.	Building aligns with footpath	Yes
	Retail or business uses only at the ground floor.	Retail uses on ground floor	Yes
9.2.4 Active street frontage	Mixed use buildings to provide ground floor active street frontages.	Active street frontage provided	Yes
	No more than 5 metres of ground floor wall without door or window.	Windows and doors less than 5m apart on elevation	Yes
	Windows should make up 50% of the ground floor.		
	Windows with a maximum window sill height of 0.7m above finished ground level.	Elevations demonstrate greater than 50% of ground floor façade consists of windows	Yes
		Windows start from finished floor level	Yes
9.2.5 Urban design/streetscap e appearance	Development should be sympathetic with adjoining buildings.	The front façade is appropriate for the streetscape and presents as two storey. The use of brick is also representative of a number of heritage items in the area. The streetscape appearance is supported by	Yes

			, , , , , , , , , , , , , , , , , , ,
		Council's Heritage Officer and Council's Design Officer.	
	The parapet height of any retail or business premises building must be consistent with the parapet height of the surrounding streetscape of the locality.	The parapet height is considered consistent with the existing parapet heights of adjoining buildings along the Princes Highway	
	Highly articulated facades.	Building is articulated along Princes Highway façade.	
	The horizontal form of any building should also be broken up vertically.	Design is appropriate	
	Any retail or commercial office building must be designed to provide active street frontages on the ground floor level of the building to all street frontages.	Active street frontage to Princes Highway.	
	External materials - High quality and durable, low maintenance costs, no highly reflective finishes, details to be provided.	External materials acceptable.	
9.2.6 Pedestrian access	Direct pedestrian access and visual inspection should be provided from the front of the building, to encourage active street frontage to retail	Direct pedestrian access from street food and drink premises and neighbourhood shop on ground floor provided	Yes
	shops and business premises.	Direct pedestrian access to gymnasium and child care centre on upper floors demonstrated	
9.2.7 Awnings	Continuous awnings	Awning proposed along	Yes

	where required	Princes Highway, consistent with surrounding buildings	
9.2.8 Public domain – Footpath paving	Proposal may need to include upgrade to public domain.	Footpath paving details appropriate.	Yes
9.2.9 Solar access and overshadowing	Proposal should minimise overshadowing and maximise solar access to adjoining residential properties and public domain	The site is not adjacent to any residential uses. Solar access provision is acceptable. Shadow diagrams provided.	Yes
	Shadow diagrams required	Shadow diagrams provided.	
9.2.13 Access, car parking and servicing	Refer to E3	Refer to Chapter E3	Refer to Chapter E3
9.2.14 Access for people with a disability	Chapter E1	The applicant's submission contains an Access Consultants Report and addressed by condition	Capable of compliance.
9.2.15 Land consolidation	Land consolidation required.	3 lot land consolidation required and addressed by condition.	Capable of compliance.

CHAPTER C1 – ADVERTISING AND SIGNAGE

8 General requirements for advertising signs and structures

8.1 Advertising Signage must relate directly to lawful use of the land

Satisfactory. The application proposes six (6) under awning signs one for each of the six (6) ground floor retail tenancies. No content has been proposed for each of the signs as the development is yet to be constructed. It is however anticipated that the signage will relate to the use of the land.

8.2 Design and Location

The design of the proposed signage is considered to be compatible with the built form and the locality.

8.3 Proportion

The scale of the proposed signage is consistent with the bulk and scale of the built form and other advertising for retail/commercial development within the within the Woonona retail and business centre.

8.4 Colour

The colour complements the colour finish of the building and colours are limited to the advertising signs. 8.5 Illumination

The signage is not proposed to be illuminated via neon or light boxes.

It is noted that details of the application submission were referred to Council's Traffic Officer and no issues were raised with regards to the advertising signage.

8.6 Rationalisation of Advertising Signage

The application proposes six (6) under awning one for each of the proposed ground floor retail tenancies which is considered acceptable in this circumstance.

8.7 Advertising Signs and Structures maintained in good repair and in a clean and tidy condition

Satisfactory.

8.8 Advertising Signs must be displayed in English Language

Satisfactory.

8.9 Advertising Signs or Structures – Public Safety

Details of the application submission were referred to Council's Traffic Officer and no issues were raised with regards to the proposed advertising signage.

9 Specific controls for advertising signs and structures

The proposed signage is as follows:

Six (6) under awning signs.

An assessment against the relevant controls of Council's Advertising Signage and Structures development control plan is outlined below.

9.4 Under Awning Signs

The controls for under awning signs are as follows:

A maximum of one (1) under awning sign is permitted per building awning. A corner building with a wrap around awning is permitted a maximum of two (2) under awning signs.

Comment:

The application proposes six (6) under awning one for each awning of each of the ground floor retail tenancies.

Under awning signs must be attached to the underside of an awning and erected in a horizontal position at right angle to the building.

Comment:

The proposal complies with this control..

A minimum clearance of 2.6 metres is required between the underside of the sign and the footpath below.

Comment:

The proposal complies with this control.

Under awning signs must be setback at least 600mm from the footpath edge to the road carriageway.

Comment:

The proposal complies with this control.

The under awning sign must not project beyond the awning.

Comment:

The proposal complies with this control.

CHAPTER C5: CHILD CARE CENTRES

The Child Care Planning Guideline states that the SEPP generally provides that Development Control Plans seeking to regulate development for a child care facility will not apply. It notes that the provisions

of the Child Care Planning Guideline will generally take precedence over a DCP, other than provisions relating to building height, side and rear setbacks and car parking rates.

Clause 26 of the SEPP states

- (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:
 - (a) operational or management plans or arrangements (including hours of operation),
 - (b) demonstrated need or demand for child care services,
 - (c) proximity of facility to other early childhood education and care facilities,
 - (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
 - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
 - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).
- (2) This clause applies regardless of when the development control plan was made.

In consideration to the above, only the DCP controls that remain applicable are required to be addressed as detailed in the table below:

Controls/objectives Comment Compliance

7.3 Building Design, Appearance and Neighbourhood Character

- Front setback should be determined by means of site analysis
- 3m setback from outdoor areas to residential property
- Child care centres should be appropriately articulated on the front façade and include details of external finishes

Varies from zero to a 2.3m building line setback along Princes Highway.

The proposed building has front setbacks that vary zero to 2.3m along Princes Highway. The child care centre rooms themselves are located on the top floor of the building and are setback 6.8m form the front boundary The surrounding area includes buildings which are setback similarly to the proposed development.

Residential uses are located to the east (rear) of the site and west (forward) on the opposite side of the Princes Highway. The outdoor area is setback from the residential land to the East by 10.999m. The Princes Highway separates the outdoor play area from residential development to the West of the site.

Appropriate conditions relating to acoustic management have been included on the consent.

The front façade has been appropriately designed, and is articulated. The built structure will present to the street appropriately

Yes

, ,		'
	and will not be out of character with the surrounding area.	
7.6 Car Parking, Access and Pedestrian Safety		
 1 parking space per staff, and 1 space per 6 children 	Refer to Chapter E3 – Car Parking for further discussion on parking.	Yes
7.7 Signage and Outdoor Lighting		
	No details for proposed signage for the child care centre have been provided. Condition 8 at Attachment 7 requires a separate application for signage in the event that the signage does not comply with exempt development controls.	Yes
	A condition as at Attachment 7 is proposed in regard to providing adequate general area lighting.	
7.11 Stormwater Drainage		
7.12 Soil Erosion and Sediment Control Measures	See Chapter E13 and E14 below.	NA
7.18 Waste Management	See Chapter E22 below.	NA
	Waste bins and suitable storage areas are provided. Appropriate conditions relating to waste management and collection will be included in the consent.	Yes

CHAPTER D1 – CHARACTER STATEMENTS

Woonona

Chapter D1 indicates that the Woonona retail and business centre functions as a large neighbourhood centre serving a predominantly residential area to the east and west of the Princes Highway. The role and function of this centre will continued to be focussed on providing daily convenience goods and services and only limited capacity to meet weekly shopping needs. Any new retail or business development in Woonona shall be contained within the confines of the existing business precinct.

The proposal is for construction of a mixed use development consisting of basement parking, retail premises (Food and Drink premises) and neighbourhood shop, Gymnasium, Childcare centre and six (6) awning signs.

Development within the immediate vicinity is characterised by a mixture of land uses including retail and commercial development and registered club, Woonona-Bulli RSL. The street scape on the Western side of the Princes Highway is characterised by a childcare centre, retail development, aged care facility and medium density residential development.

The proposed land uses are permissible in the SP3 zone and reasonably satisfy controls for mixed use development under Wollongong Development Control Plan 2009. The proposal is considered to not

detract from the existing character of Woonona and is compatible with the desired future character for the locality.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

An Accessibility Report has been provided indicating the development can achieve the requirements for equitable and dignified access to the building in relation to the relevant standards and National Construction Code requirements.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Control/objective	Comment	Compliance
3.1 Lighting		
	It is considered that the proposed development will improve existing lighting conditions noting that the subject site is currently vacant.	Yes
	A condition as at Attachment 7 is proposed in regard to providing adequate general area lighting.	
3.2 Natural surveillance and sightlines		
	The proposed development will improve natural surveillance and sight lines of adjoining properties and the street.	Yes
3.3 Signage		
	No directional signage is proposed with this application and the proposed development will have minimal impact on the existing signage within the vicinity.	Yes
3.4 Building design		
	It is considered that the development allows for casual surveillance in all directions. It is considered that the proposed development satisfies Council's building design policies and controls for Crime Prevention Through Environmental Design as relates to minimising areas of entrapment.	Yes
3.5 Landscaping		
	The proposal is considered to satisfy the landscaping controls for CPTED in this circumstance as relates to minimising areas of concealment. Council's Landscape Officer has reviewed the	Yes
	proposed landscaping and raised no objections.	
3.6 Public open space and parks.		
	The proposal is for a mixed use development only on privately owned land.	N/A

3.7 Community facilities & Public Amenities		
	The proposal is for a mixed use development only on privately owned land.	N/A
3.8 Bus stops and taxi ranks		
	It is considered that the proposed development will improve existing lighting conditions on the subject site which is currently vacant. The proposed development will improve natural surveillance and sight lines of adjoining properties and the street including bus stops within the immediate vicinity.	Yes

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

Control	Proposed	Compliance
Food and Drink Premises parking		Yes
1 space per 25m² GFA	GFA = 479m ²	
1 motor cycle space per 25 car spaces	Total Car Spaces = 479/25	
Small rigid	= 19.2 spaces required	
1 bicycle space per 200m²	Total Bicycle spaces = 479/200	
	= 2.4 spaces required	
Neighbourhood Shop parking		
1 space per 25m² GFA	GFA = 96m²	
1 motor cycle space per 25 car spaces	Total Car Spaces = 96/25	
Small rigid	= 3.8 spaces required	
1 bicycle space per 25m²	Total Bicycle spaces = 96/25	
	= 3.8 spaces required	
Gymnasium parking		
WDCP 2009 does not provide any parking rates for gymnasiums therefore the parking rates for gymnasiums in the RTA Guide to Traffic Generating Developments has been used a guide to determine parking rates for the proposed gymnasium:	GFA = 1424m ² Total Car Spaces = (1424/100) x 4.5 = 64.1 spaces required	
4.5 spaces per 100m² GFA		
Child care centre parking		
1 space for each member of the staff present at any one time	15 Staff = 15 x 1 = 15 Spaces required	
1 visitor space per 6 children		

1 space for people with disabilities 90 Children = 90/6 1 bicycle space per 200m² = 15 Spaces required 1 space for people with a disability Total Bicycle spaces = 652/200 Total Car Parking Required for the = 3.3 spaces required development Sum of spaces calculated using rates for each proposed land use above less Total Spaces = $(19.2+3.8+64.1+15+15) \times 0.8$ 20% waiver as per WDCP 2009 Chapter = 95 car spaces required E3 Clause 7.4 A total of 99 spaces provided Motorcycle parking 1 motor cycle space per 25 car spaces for (19.2 + 3.8 + 64.1)/25 = 3.5 spaces required Neighbourhood Shops, Food and Drink Premises and assumed for Gymnasium 9 Spaces provided **Bicycle Parking** Total required bicycle spaces as calculated Rates provided above above = 2.4+3.8+3.3= 9.5 spaces required

CHAPTER E6: LANDSCAPING

A Landscape Plan has been submitted as required by this Chapter which details the proposed landscaping to the site and the outdoor play area for the child care centre. he proposed landscape plans were referred to Council's Landscape Officer for comment with referral advice indicating the proposal as satisfactory subject to conditions.

A total of 16 spaces provided.

CHAPTER E7: WASTE MANAGEMENT

The proposed development is to be serviced by private waste contractors. Council's Traffic Officer has reviewed the proposal providing conditionally satisfactory referral advice.

CHAPTER E11 HERITAGE CONSERVATION

The subject site is opposite the Woonona Post Office and Former Uniting Church which are listed as local heritage items under the WLEP 2009. Details of the application were referred to Council's Heritage Officer for comment. Advice received is that the proposed development is considered satisfactory

CHAPTER E13 FLOODPLAIN MANAGEMENT

Council's Stormwater Officer has assessed the application in this regard against the submitted flood study and has not raised any issues subject to conditions.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Development Engineering Officer has assessed the application in this regard and has not raised any issues with the proposed stormwater management system.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The application proposes the removal of a small shrub to facilitate the proposal. Council's Landscape Officer has assessed the application submission. Advice received is that the vegetation can be considered a shrub as it does not satisfy Council's controls so as to be considered a tree.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavation to facilitate the basement car parking. Information regarding the earthworks to reshape the land were submitted with the application.

The application was referred to Council's Stormwater and Environment Officers for comment and no objections were raised in relation to this matter subject to conditions of consent included at **Attachment** 7. Therefore, it is considered that the earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

A Detailed Site Investigation was conducted by Reditus was submitted and reviewed by Council's Environmental Officer.

The report has identified two Potential Areas of Environmental Concern (PAECs) and they are:

Two (2) lead hotspots;

A Remediation Action plan (RAP) has been prepared by Reditus dated 6 September 2021 which details the procedure for site remediation so that the site will be suitable for the proposed use.

In accordance with Clause 7(2) Council's Environmental Officer has reviewed the history of the site in conjunction with the report prepared by Reditus and notes that the site has two Lead impacted hotspots. Conditions are included at **Attachment 7** for unexpected finds, requiring site remediation in accordance with the RAP and a Site Validation Report confirming that the site has been satisfactorily remediated and is suitable for the proposed development so as to satisfy Clause 7(1)(c).

The site is therefore considered that the site can be made suitable for the proposed development and consistent with the assessment considerations of SEPP 55. See **Attachment 6** as relates to the environmental consultants address to clause 7 matters.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

Controls/objectives	Comment	Compliance
2. Design quality principles		
Principle 1 – Context Principle 2 - Built form Principle 3 - Adaptive learning spaces Principle 4- Sustainability Principle 5 – Landscape Principle 6 – Amenity Principle 7 - Safety	The proposed Centre Based Child Care Centre is generally consistent with the design quality principles outlined in this guideline. The design quality principles are more specifically incorporated into the matters for consideration below.	Yes
3. Matters for consideration	1	'
3.1 Site selection and location		
To ensure that appropriate zone	The proposed use is permissible in	Vec

To ensure that appropriate zone considerations are assessed when selecting a site

- Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental and amenity issues such as air or noise pollution and local traffic conditions
- The potential impact of the facility on the viability of existing commercial or industrial uses.

The proposed use is permissible in the zone with consent. The proposed childcare centre is not considered likely to have a significant impact on the surrounding commercial and residential uses.

Clause 102 (Road) of the SEPP (Infrastructure) 2007 applies to noise sensitive development on the subject site.

Details of the application submission including an Acoustic Report prepared by Rodney Stevens Acoustics dated 2 July 2021 were reviewed by Council's **Environment Officer having regard** of Clause 102 **SEPP** (Infrastructure) 2007 as the proposed development is adjacent to the Princes Highway and contains noise sensitive development. Satisfactory referral comment and/or advice, recommended conditions were provided with respect to Road Noise and vibration in this instance.

To ensure that the site selected for a proposed child care facility is suitable for the use

It is considered that the location is appropriate for a child care centre. The site is located in proximity to

Yes

	, ,		•
•	Ensure location and surrounding area is appropriate for the use	both commercial and residential land uses.	
•	Ensure the site is appropriate for the use	The land is identified as being flood affected. Council's Stormwater Officer has assessed the application submission with regard to flooding and has not raised any objections subject to conditions included at Attachment 7.	
	ensure that sites for child care facilities appropriately located	The site is appropriately located with regard to commercial and	Yes
•	Proximity to compatible land uses	residential uses. The site is located within the immediate vicinity of	
 Proximity to employment, residential uses, public transport and pedestrian connectivity 		bus stops. Details of the application submissions were referred to Council's Traffic Officer for comment. Advice received is that the application satisfies Council's parking and access development control plan.	
not	ensure that sites for child care facilities do incur risks from environmental, health or ety hazards	A detailed site investigation report has been submitted and reviewed by Council's Environmental Officer. Advice received is that the site can	Yes
•	Not located in proximity to hazardous industry or uses	be made suitable for the proposed development and the proposal is	
 Proximity to potential hazardous future uses 		considered conditionally satisfactory.	
		The subject site is not located within the immediate vicinity of a hazardous industry or land uses.	
3.2	Local character, streetscape and the public of	domain interface	
con	ensure that the child care facility is npatible with the local character and rounding streetscape	The design of the proposed structure is considered to be compatible with the local character	Yes
•	Proposal is compatible with local area and	and surrounding streetscape.	
•	reflective of the predominant land use Appropriate use of landscaping	Details of the application submission were referred to Council's Design and Heritage	
•	Integrate landscaping	Officers for comment. Advice received is that the building façades presentation to the street	

scape is considered satisfactory.

Controls/objectives	Comment	Compliance
	Landscaping has been appropriately integrated into the design.	
To ensure clear delineation between the child care facility and public spaces • Clear transition between public and private spaces including fencing, passive surveillance	The child care centre is clearly separated from any public areas.	Yes
To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain	Front fencing and retaining walls are not proposed as part of this application.	Yes
 Front fences and walls within the front setback should be constructed or visually permeable materials and treatments 		
3.3 Building orientation, envelope and design		
 To respond to the streetscape and site, while optimising solar access and opportunities for shade Minimise visual, acoustic and overlooking impacts on neighbours Optimise solar access Avoid overshadowing When childcare facilities are located above ground level, outdoor play areas are protected from wind and other climatic conditions 	The proposed development does not comply in full with Council's Height of Buildings Development Standard and a departure request statement has been provided by the applicant addressing Clause 4.6 of the LEP which is discussed below at Section 2.1.5. It is considered that the proposal will not significantly detract from the existing or proposed development or the amenity of nearby residents. Appropriate measures have been implemented into the landscape design with regard to climatic conditions.	Yes
To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised Building height consistent with surrounding buildings and respond to scale and character of area Setbacks to allow adequate privacy for neighbours Setback to the street consistent with existing character	The proposed development does not comply in full with Council's Height of Buildings Development Standard and a departure request statement has been provided by the applicant addressing Clause 4.6 of the LEP which is discussed below at Section 2.1.5. It is considered that the proposal will not significantly detract from the existing or proposed	Yes

- Appropriate planting along boundaries
- Incorporating car parking into the landscape design of the site

The site will be appropriately landscaped. Details of the application were referred to Council's Landscape Officer for comment. Advice received was that the application is considered conditionally satisfactory.

2	С	Vicual	204	acoustic	privacy

To protect the privacy and security of children attending the facility

- reduce risk of neighbouring buildings overlooking the child care centre
- Minimise overlooking of the centre from public spaces

To minimise impacts on privacy of adjoining properties

Appropriate design and layout to minimise overlooking into neighbouring buildings

The child care centre being located on the upper floor of the proposed building is unlikely to overlooked bv buildings. There are no public spaces which enable the centre to be overlooked.

surrounding

Windows from rooms in child care centre generally face the outdoor area. Windows have not been set back from the site boundaries so as to minimise overlooking impacts to neighbouring sites.

Yes

Yes

Minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments

- Acoustic fencing to be provided along adjoining residential boundaries
- mechanical Ensure that plant equipment is screened to reduce noise
- Acoustic report prepared by suitably qualified professional that identifies appropriate noise levels for the child care and determine appropriate background noise level for outdoor play areas

Appropriate acoustic treatment is part proposed as of this development application.

Details of the application submission including an Acoustic Report prepared bγ Rodney Stevens Acoustics dated 2 July 2021 were reviewed by Council's Environment Officer. Satisfactory referral advice, comment and/or recommended conditions were provided with respect to acoustic privacy in this instance.

Conditions 12, 61 and 118 at Attachment 7 provide for noise restrictions from outdoor and indoor play areas and require a noise compliance report within six months of commencing operation i.e. once the child care centre is operating at or near full capacity so as to minimise noise impacts on adjoining residential development.

Yes

3.6 Noise and air pollution

To ensure that outside noise levels on the facility are minimised to acceptable levels

- Adopt design to minimise the impacts of noise
- Acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas

Details of the application submission including an Acoustic Report prepared by Rodney Stevens Acoustics dated 2 July 2021 reviewed by Council's **Environment Officer having regard** Clause 102 of **SEPP** (Infrastructure) 2007 the as

Yes

· •		•
	proposed development is adjacent to the Princes Highway and contains noise sensitive development. Satisfactory referral advice, comment and/or recommended conditions were provided with respect to Road Noise and vibration in this instance.	
Ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development Location on sites which avoid potential impacts from external sources of pollution	The proposal is located away from any potential external sources of pollution. The site is not located in proximity to industrial land uses, and is appropriately separated from service stations and other similar development.	Yes
3.7 Hours of operation		
To minimise the impact of the child care facility on the amenity of neighbouring residential developments 7.00am to 7.00pm in residential areas In mixed use areas, hours should be	Appropriate hours of operation have been proposed to limit the impact of the proposal on surrounding residential areas. The proposed hours of operations	Yes
assessed with respect to adjoining land uses	are 7.00am to 6.00pm Monday to Friday. Conditions 12, 61 and 118 at Attachment 7 provide for noise restrictions from outdoor and indoor play areas and require a noise compliance report within six months of commencing operation i.e. once the child care centre is operating at or near full capacity so as to minimise noise impacts on adjoining residential development.	
3.8 Traffic, parking and pedestrian circulation		
 To provide parking that satisfies the needs of users and demand generated by the centre Car parking rates should be consistent with the relevant DCP A traffic and parking study should be prepared to quantify potential impacts and demonstrate how impacts will be minimised 	The proposed parking rates are consistent with Council's DCP requirements. Appropriate parking has been provided for guests, staff and service vehicles, including parking for people with a disability and parking for pram users (See WDCP 2009 Compliance table at Attachment 4 for further details). Details of the application submissions were referred to	Yes

Council's

Traffic

Officer

for

3.25m2 of unencumbered indoor space per child 4.2 Laundry and hygiene facilities Laundry facilities must be provided, located and maintained in a manner that does not pose any risk to children Appropriate toilet facilities to be provided for adults and children in accordance with NCC Appropriate toilet facilities are proposed. Condition 6 has been included at Attachment 7 relating to compliance with the BCA.

4.4 Ventilation and natural light

Controls/objectives	Comment	Compliance		
 Services must be well ventilated and provide adequate natural light 	Ventilation and natural light will be provided to the indoor and outdoor areas of the child care centre.	Yes		
4.5 Administrative space				
 Adequate areas for the purpose of conducting administrative functions consulting with parents and conducting private conversations 	administration/reception desk,	Yes		
4.6 Nappy change facilities	,			
 Appropriate nappy changing facilities must be provided, consistent with the NCC 		Yes		
4.7 Premises designed to facilitate supervision				
 All necessary rooms must allow appropriate surveillance and avoid areas of poor surveillance 		Yes		
4.8 Emergency and evacuation procedures	,			
 Appropriate emergency and evacuation procedures Emergency evacuation plan to be submitted with DA considering mobility of children, safe congregation and assembly point, plan for supervision of children 	compliance with the Operation Management Plan which that includes Emergency Evacuation has been included at Attachment 7	Yes		
4.9 Outdoor space requirements				
 7m2 per child of outdoor space Areas not suitable for children to be excluded from outdoor space calculation 	Appropriate unencumbered outdoor space exceeding the minimum required space is provided per child.	Yes		
4.10 Natural environment	,			
Include aspects of natural environments in outdoor space	The proposed outdoor areas include landscaping and effectively incorporates natural aspects. Details of the application were referred to Council's Landscape Officer for comment. Advice received is that the proposal is considered conditionally satisfactory.	Yes		
4.11 Shade				
 Outdoor areas to include appropriate shade incorporating solar access to a 		Yes		

Controls/objectives	Comment	Compliance
least 30% of the ground area, with not more than 60% of the area covered	access, and less than 60% of the outdoor area is covered.	
4.12 Fencing		
 Appropriate fencing to be provided to a minimum height of 1.2m, boundary fencing to be a minimum of 1.8m height 	Appropriate fencing is proposed.	Yes
4.13 Soil assessment		
Soil assessment is required at DA stage where children will have direct access to soil	A detailed site investigation report has been submitted and reviewed by Council's Environmental Officer. Advice received is that the site can be made suitable for the proposed development and the proposal is considered conditionally satisfactory.	Yes



12. Conclusions

It is considered that the objectives of the onsite remediation will be achieved subject to the successful implementation of the actions contained in this RAP.

This RAP has been prepared with consideration to available information, existing reports, development consent conditions and applicable regulatory provisions. The remediation strategy has been based on the documented site condition, which has been adequately characterised by previous investigations and considers lead as the primary contaminant of concern warranting remediation.

Appropriate contingencies and controls have been made to accommodate data gaps and unexpected finds during the remediation phase. Validation will be subject to successful implementation of the requirements prescribed within **Section 8 and Section 9.**

The proposed remediation is considered appropriate to render the Site suitable for the proposed development and ongoing commercial land use.

Mr Lee Douglass, an EIANZ Certified Environmental Practitioner – Site Contamination Specialist (CEnvP-SCS, No SC40974), considers that the consent authority may be satisfied that the required considerations of Clause 7 of SEPP55 are satisfied for the following reasons:

- 7(1)(a): The DSI (Reditus 2021) completed on the development site has adequately characterised the site to define the nature, extent and degree of contamination, and has suitability assessed the potential risk posed by contaminants to health and the environment. As such, Clause 7(1)(a) of SEPP55 has been successfully achieved.
- 7(1)(b): The results of the DSI (Reditus 2021) have determined that the land is contaminated, however the site can be made suitable for the proposed redevelopment, subject to the development and implementation of a RAP and subsequent remediation/removal of identified lead contamination. As such, Clause 7(1)(b) of SEPP55 has been satisfied.
- 7(1)(c): The development and implementation of this RAP will ensure that the site is made suitable for the proposed development. As such, Clause 7(1)(c) of SEPP55 has been satisfied.

These conclusions are made with the limitations attached to this report.

Attachment 7 - Conditions

Approved Plans and Specifications

The development shall be implemented substantially in accordance with the details and specifications set out on Job No 28798 Drawing 0005-D, 1001-D to 1006-D, 2001-D, 2002-D, 3001-D and 4001-D to 4005-D dated 4 November 2021 prepared by IDraft Architects 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 Site Remediation Work

The site remediation work shall be undertaken as per the remediation action plan (RAP) prepared by Reditus Consulting dated 6 September 2021.

3 Unexpected Find Protocol

Prior to any remediation work commencing unexpected find protocol (UFP) shall be prepared for any "hotspots" on site, sometimes site contamination is not expected and is detected after work commences. Excavations may uncover buried asbestos, other materials. Unexpected contamination or hotspots on a site should be taken into account for any site health and safety plan. Precautions should be included in the plan, including:

- workers trained to recognise potential contamination and danger signs eg odours or soil discolouration.
- precautions if signs of unexpected contamination or hot spots are found, such as:
 - stop work.
 - report signs to the site supervisor immediately.
 - isolate the area with a physical barrier.
 - assume the area is contaminated until an assessment proves otherwise.
 - assess the area to identify contaminants in the soil or spoil.

4 Initial Use Food and Drink Premises and Neighbourhood Shop

This consent does not grant approval for the use of the proposed food and drink premises and neighbourhood shop once constructed. The use of the food and drink premises and neighbourhood shop will require separate approval by Council.

5 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.

6 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 AS1428.1 (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.

7 Advertising Signage

This consent authorises the erection of six (6) under awning advertising signs only as shown on the approved plan. Any additional 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.

8 Height Restriction

The development shall be restricted to a maximum height of 36.970 metres AHD from the natural ground level (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

9 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.

10 Design and Construction of Food Premises

The construction and fit out must comply with AS 4674:2004: Design, Construction and Fit-Out of Food Premises.

Prior to the Issue of the Construction Certificate

11 Site Validation Report

A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Construction Certificate.

The Validation Report shall verify that:

- a. the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- b. the site is suitable for the proposed development.

The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

The Validation Report is to be issued by the certified contaminated land consultant direct to Council. No third party submissions will be accepted.

12 **Building Acoustic Specifications**

Prior to the issue of the Construction Certificate amended plans shall be provided incorporating the revised acoustic report recommendations for the child care centre (window glazing specifications), fitness centre/gymnasium (floor and walls) and commercial spaces (noise barrier) as outlined in the Noise Impact Assessment report recommendations dated 2 July 2021prepared by Rodney Stevens Acoustic.

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, clearly visible to all drivers from the road, and designed to the satisfaction of the Traffic Section. Details of such compliance are to be reflected on the Construction Certificate plans.

14 **Pump System**

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

15 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the PC prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from subsoil drainage.

16 Excavation and Retaining Structures Adjacent to Public Roads

The design of all permanent and temporary retaining structures within the zone of influence of any Council assets including the road pavement, stormwater pipes and pits, must be provided to Wollongong City Council and the PC for assessment prior to the issue of the Construction Certificate. The design must be prepared in accordance with the RMS Technical direction GTD 2012/001, by a qualified Civil Engineer, NPER 3 accreditation with the Institute of Engineers Australia and experienced in structural design. The plan must clearly show that all components of the retaining structure and associated drainage is wholly located within the subject site. The design must be supported by:

- a A geotechnical report prepared in accordance with the requirements of the RMS Technical direction GTD 2012/001.
- b A dilapidation survey of the existing Council infrastructure
- c Details of the proposed monitoring program for the excavation and retaining structures, and relevant threshold actions prepared in accordance with RMS Technical direction GTD 2012/001.

17 **Ground Anchors**

Permanent ground anchors are not permitted within the road. Temporary ground anchors can only be used where the Road Authority has provided written confirmation to the applicant for their use. Temporary anchors must be designed in accordance with RMS Technical Direction GTD 2012/001.

18 Flows from Adjoining Properties

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

19 Structural Engineering Details

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the PC, prior to the release of the Construction Certificate addressing the following matters:

- a Footings;
- b reinforced concrete slabs;
- c retaining walls;
- d structural steelwork;
- e wall bracing and tie-down requirements;

20 Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The PC must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

21 Endeavour Energy Requirements

The submission of documentary evidence from Endeavour Energy to the PC is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

22 Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the PC confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

23 Glass Reflectivity Index

The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.

24 **CPTED - Landscaping**

In order to reduce the opportunities for "hiding places" the proposed landscaping must:

- a use shrubs/plants which are no higher than 1 metre adjacent to pathways.
- b the type of trees proposed must have a sufficiently high canopy, when installed and fully grown, so that pedestrian vision is not impeded.
- c Shrub planting to be set back minimum one (1) metre from the edge of the pathway. Groundcover planting acceptable.

This requirement shall be reflected on the Construction Certificate plans.

25 Crime Prevention through Environmental Design (CPTED) - Lighting

The proposed development shall incorporate 'low impact' lighting to ameliorate any light spillage and/or glare impacts upon surrounding properties in accordance with Council's CPTED principles. The final design details of the proposed lighting system shall be reflected on the Construction Certificate plans. The erection of the lighting system shall be in accordance with the approved final design.

26 Car Parking and Access

The development shall make provision for a total of 99 car parking spaces (including 3 spaces for people with disabilities), 9 motorcycle parking spaces and 16 secure (Security Class B) bicycle spaces provided in a secure compound with a self-closing door and combination keypad. 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.

- 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.
- Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

29 Water/Wastewater Entering Road Reserve

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

31 Details of Proposed Pit and Pipeline

Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

The submission of a final Landscape Plan to the PC, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

Street tree planting shall not be within 15m of the up-stream flow of traffic from the bus stop sign location and 5m downstream of the bus stop sign.

The landscape area at the rear of the site is to contain additional planting of native shrubs and grasses. 100 plants in 200mm pots are to be planted, The mix of plants should be limited to 10% maximum for 1 species and at least 12 species are to be used with a mix of Medium Trees (3), Large Trees (2), shrubs, grasses and groundcovers. Species are to include but not be limited to

- Dianella caerulea
- Poa sieberiana
- Asplenium australasicum
- Dampiera purpurea
- Carex appressa
- Dichondra repens
- Lomandra longifolia
- Viola hederacea
- Indigofera australis
- Westringia fruticosa
- Rhagodia candolleana
- Leptospermum laevigatum
- Goodenia ovata
- Callistemon citrinus
- Prostanthera incisa
- Melaleuca hypericifolia
- Dodonaea viscosa subsp. Angustifolia
- Ricinocarpos pinifolius
- Correa alba
- Syzygium austral (Medium Tree)
- Glochidion ferdinandi (Medium Tree)
- Backhousia myrtifolia (Medium Tree)
- Cyathea australis
- Callistemon salignus (Medium Tree)
- Archontophoenix cunninghamiana
- *Ceratopetalum apetalum* (Medium Tree)
- Alphitonia excelsa (Large Tree)
- Stenocarpus salignus (Medium Tree)
- Eucalyptus robusta (Large Tree).

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

- The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the PC prior to release of the Construction Certificate.

35 Tree Protection and Management

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the PC prior to release of the Construction Certificate.
- b Installation of Tree Protection Fencing A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the PC prior to release of the Construction Certificate.
- c Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- d Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the PC for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

37 Pier and Beam Footings Adjacent to any Drainage Easement

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS 2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate **plans**.

39 Property Addressing Policy Compliance

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing (propertyaddressing@wollongong.nsw.gov.au),** for the site addressing prior to the issue of the Construction Certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

40 Footpath Paving

The developer is responsible for the construction of footpath paving for the entire frontage of the development. The type of paving for this development is a 1500mm wide, 100mm thick, reinforced, broom finished concrete. A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained with the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to be broom finished concrete to match the footpath and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Works.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

41 Footpath Paving in Commercial Village Centres

The Developer is responsible for the construction of footpath paving for the entire frontage of the development. In keeping with the surrounding commercial precinct and the Business Centres Public Domain Technical Manual the type of paving for this development is herringbone pattern at 90 degrees to the kerb with single header course stacked running along both back of kerb and boundary line to match the existing paver pattern to the north. Paver type is to match existing pavers as approved by WCC Landscape Architect. The pavers should be trafficable at driveway crossings and rated for heavy vehicles at this location.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained with the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Development Engineering.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

42 Street Trees Commercial Village Centres

The Developer must address the street frontage by installing street tree planting with edging/tree grate and tree guards. In keeping with the surrounding commercial precinct and the Business Centres Public Domain Technical Manual the type of the number and species for this development is five (5) *Backhousia myrtifolia* 75 litre container size in accordance with AS 2303:2015 Tree stock for landscape use. The tree guards and grate shall be Coniston Style by Arborgreen.

Trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site.

Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC of Development Engineering.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

43 Planting to Child Care Centres, Schools or near Playgrounds

The developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below:

- i plants known to produce toxins;
- ii plant with high allergen properties;
- plants with profuse scented flowers or known to attract high numbers of bees, spiders, and insects;
- iv species which produce small nuts or fruits;
- v plants with thorns or spiky foliage and branches; and
- vi any weed or potential weed species.
- vii Avoid planting plants such as Asthma weed (Parietaria judaica), Rhus (Toxicodendron succedaneum), Yellow oleander (Thevetia peruviana), Cactus, chillies, Dumb cane (Diffenbachia), Mushrooms, Angels Trumpet (Brumansia), Cycads, Grevilleas, Oleander (Nerium oleander), Poinsettia, Rhubarb, White cedar (Melia azederach), Yesterday Today Tomorrow (Brunsfelsia), Agapanthus, Amaryllis, Arum Liliy, Azaleas and Rhododendrons, Daffoldils, Foxgloves, Lily of the Valley and any other species that have the characteristics listed above which could place children at risk. The developer shall consult and undertake further research to ensure the most up to date information is available to determine plant suitability.

44 Sizing of Drainage

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

45 Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the PC prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by Australian Consulting Engineers, Reference No. 201168, revision B, dated 1 July 2021.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no

concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

46 Flood Level Requirements

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

- a Habitable floor levels must be constructed at a minimum of RL 23.95 metres AHD.
- b Any portion of the building or structure below RL 23.95 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.
- The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard being RL 25.98 metres AHD.

47 On-Site Stormwater Detention (OSD) Design

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the PC prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2021/321;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

48 Council Footpath Reserve Works – Driveways and Crossings

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are

adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

49 Environmental Management Plan

The submission of a detailed Environmental Management Plan which addresses but is not limited to, the following issues:

a Introduction

b Project Description

This section should include:

- i Timing and duration of works;
- ii location of work sites offices, compounds, stockpiles and refuelling areas;
- iii a description of the site and surrounds and location of environmentally sensitive areas.

Objectives of the CEMP

This section should state what the CEMP is trying to achieve.

d Context of the CEMP

This section should specify how the CEMP fits into the planning process of the project.

e Planning Project Environmental Actions

f EIA Obligations

This section should identify all Environmental Impact Assessment documentation related to this project.

g Environmental Aspects

This section should reference or describe the aspects and impacts associated with the construction activities. Each impact should be assigned a risk ranking of low, medium or high. Control measures should be selected for all impacts ranked as medium or high. Low risk impacts should be monitored to ensure that they do not increase.

h Legal and Other Requirements

This section should detail the legislative requirements of the work, and all other specifications.

i Supplementary Environmental Plans

These include:

- i Erosion and Sediment Control Plan (ESCP) or Soil and Water Management Plan (SWMP).
- ii Note: Requirements for ESCPs and SWMPs are provided in "Managing Urban Stormwater: Soils and Construction" NSW Dept of Housing, 1998.
- iii Noise and Vibration Management Plan.
- iv Landscaping and Revegetation Plan.
- v Traffic Management Plan (TMP)/Traffic Control Plan (TCP).
- vi Air Quality Management Plan.
- vii Waste Management Plan.
- viii Contaminated Soil Management Plan.

j Implementation

k On-site Structure and Responsibility

This section should state the duties and responsibilities of all contractors and sub-contractors working on site and the relationship between these parties.

1 Training, Awareness and Competence

This section should detail the environmental training that all site personnel are required to undertake. Environmental training should include:

- i Knowledge and understanding of the CEMP.
- ii Site induction.

And may include:

- iii Emergency response training.
- iv Familiarisation with site environmental controls.
- v Erosion and sediment control training.

m Communication

This section should include how the contractor plans to keep affected residents informed as to the nature and scope of works, the type of consultation and frequency.

This section should identify and list details for relevant external stakeholders such as:

- i EPA.
- ii NPWS.
- iii NSW Fisheries.
- iv NRAR.
- v Aboriginal Groups.
- vi TfNSW.
- vii Council.

This section should also detail the procedures for the notification of complaints and identify the person responsible for its maintenance and follow up action.

n Emergency Planning and Response

This section should detail the procedure to be followed in the event of an environmental emergency. An environmental emergency is any event that causes or has the potential to cause environmental damage. The procedure needs to include:

- i The names of key emergency response personnel;
- ii Personnel responsibilities and contact details;
- iii Contact details for emergency services (ambulance, fire brigade, spill clean up services);
- iv The location of on-site information on hazardous materials, including MSDSs and spill containment material;
- v The procedure to follow to minimise/control the emergency;
- vi Procedures for notifying the Superintendent, the public and/or EPA.

Emergency Response Contacts should be listed in table form.

o Auditing and Monitoring

p Environmental Action Monitoring

This section should detail how all Environmental Actions identified in Section 2 are going to monitored and verified. This section should also detail or refer to a procedure to ensure that all monitoring results that exceed set criteria are acted on quickly and that the appropriate regulatory authorities are notified.

q Auditing

This section should detail audit criteria, frequency and scope.

r Non-Conformance and Corrective and Preventive Action

This section should state how these items should be addressed.

s Review of CEMP

This section should detail the procedure and frequency of reviewing the CEMP and how those using it will be aware of changes.

t Appendix 1 - Environmental Action Table

The environmental action table should provide sufficient information to ensure effective and efficient on-site environmental management. The Environmental Actions Table should include all Environmental Actions that were identified in Section 2.0 of the CEMP. The Environmental Actions Table must clearly convey what action is required, when it needs to be done and who is supposed to do it.

u Appendix 2 - Environmental Action Monitoring Table
This section should detail how all of the environmental actions listed in Appendix 1 are going
to be monitored and verified, The monitoring must clearly convey what monitoring is
required, when the monitoring is to take place and who is to do it.

50 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the PC.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure and buildings in the adjacent street(s) fronting the lots and adjoining lots.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to buildings, infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the PC prior to the issue of an Occupation Certificate.

51 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$73,560.00 (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:

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

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: 1319666	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	CashCredit CardBank 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 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

52 **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.

53 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.

54 Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a a standard flushing toilet; and
- b connected to either:
 - i the Sydney Water Corporation Ltd sewerage system or
 - ii an accredited sewage management facility or
 - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

55 Structural Engineer's Details

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the PC, prior to the commencement of any works on the site.

Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.

57 Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the PC. No building work is to commence until the fence is erected.

58 Consultation with SafeWork NSW – Prior to Asbestos Removal

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

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.

60 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.

During Demolition, Excavation or Construction

61 Acoustic Requirements

All the structural recommendations of the Noise Impact Assessment report dated 2 July 2021 prepared by Rodney Stevens Acoustic shall be implemented. The construction material used for the retail, fitness centre/gymnasium spaces and glazing for child care centre is to comply with the various noise criteria of the Noise Impact Assessment report dated 2 July 2021 prepared by Rodney Stevens Acoustic.

62 Mechanical Plants and Exhaust Ventilation System Mechanical Exhaust

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS 4674:2004, AS 1668.2:1991 and the grease filters to comply with AS 1530.1.

Outdoor Air Conditioning or Refrigeration Units

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

Duct System

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential and commercial spaces and is to comply with the vibration guidelines.

63 Survey Report for Floor Levels

A Survey Report must be submitted to the PC verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

64 Piping of Stormwater to Existing Stormwater Drainage System

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

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.

66 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.

Excavation/Filling/Retaining Wall Structures

- Any proposed filling on the site must not:
 - a encroach onto the adjoining properties, and
 - b adversely affect the adjoining properties with surface run-off.
- All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's Development Control Plan.

69 Excavation – Protection of Adjoining Buildings

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- a must preserve and protect the adjoining building from damage; and
- b if necessary, must underpin and support the building in an approved manner; and
- must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.
- All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (http://www.safework.nsw.gov.au).

72 Asbestos Waste Collection, Transportation and Disposal

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this this type of waste. A receipt must

be retained and submitted to the PC, and a copy submitted to Council (in the event that Council is not the PC), prior to commencement of the construction works.

73 Provision of Waste Receptacle

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 re-usable materials.

74 Excess Excavated Material – Disposal

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

75 Provision of Taps/Irrigation System

The provision of common taps and an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and irrigation system must be implemented in accordance with the approved Landscape Plan.

76 Screen Planting

To mitigate impact to adjoining dwelling a continuous hedge is to be established along eastern boundary for the length of property boundary up to but not encroaching on the right of carriage way.

Recommended species:

- i. Murraya paniculata, Photinia "Red Robin",
- ii. Viburnum tinus, Syzygium australe "Aussie Southern",
- iii. Syzygium australe "Aussie Compact",
- iv. Syzygium luehmannii x S.wilsonii "Cascade",
- v. Westringia fruticose.

Minimum spacing 900mm.

Minimum pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

77 **Podium Planting**

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

78 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

A Section 73 Certificate must be submitted to the PC prior to occupation of the development/release of the plan of subdivision.

80 Fire Safety Certificate

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- 1.1 Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- 1.2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

81 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

82 Restriction on Use – On-site Detention System

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site stormwater detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council."

The instrument, showing the restriction, must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

83 Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the PC is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the PC.

84 Swimming Pool Barriers

The swimming pool shall be provided with child-resistant barriers, prior to the placement of water in the pool, in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standards AS 1926. The barrier shall be installed to the satisfaction of the PC and prior to the issue of an Occupation Certificate.

85 Warning Notice

A warning notice complying with Clauses 10 and 11 of the Swimming Pools Regulation 2008 is to be displayed in a prominent position in the immediate vicinity of the swimming pool as required by Section 17 of the Swimming Pools Act 1992, prior to the filling of the pool with water and prior to the issue of an Occupation Certificate.

86 Occupation Certificate

A Occupation Certificate must be issued by the 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.

87 Positive Covenant – On-Site Detention Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved OSD System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

88 On-Site Detention – Structural Certification

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the PC is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

89 Completion of Landscape Works

The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.

90 Floor Construction

The floor must be finished to a smooth, even non-slip surface, graded and drained to the floor waste (AS 4674:2004 - Section 3).

91 Floor Waste

The floor waste(s) must be fitted with a basket trap and grate and constructed in all stainless steel finish (AS 4674:2004 - Section 4.1.8).

92 Coving

Recessed coving must be provided at all intersections of the floor with the walls. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted (AS 4674:2004 - Section 3.1.5).

93 Cleaner's Sink

Where floor wastes are not installed as a means of disposing of wastewater, a cleaner's sink serviced with hot and cold water through taps fitted with hose connectors must be provided and located outside of areas where open food is handled (AS 4674:2004 - Section 4.1.8).

94 Tap Fittings

Where floor wastes are installed as a means of disposing of wastewater, hot and cold wall mounted taps fitted with hose connectors and positioned at least 600mm above the floor must be installed in a convenient and accessible location outside of areas where open food is handled (AS 4674:2004 - Section 4.1.8).

95 **Penetrations**

All service pipes and electrical conduit must be contained in the floor, walls and plinths or ceiling or fixed on brackets so as to provide at least 25mm clearance between the pipe or conduit and adjacent vertical surfaces and 100mm between the pipe or conduit and any adjacent horizontal surface (AS-4674/2004-Section 3.2.9).

96 Wall Requirements

All walls must be of solid construction and be finished to provide a smooth impervious surface capable of being easily and effectively cleaned, in accordance with Table 3.2 of AS 4674:2004. Cavity walls are not permitted (AS 4674:2004 - Section 3.2).

97 **Ceiling Construction**

All ceilings must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light-coloured, washable paint. The intersection of the walls and ceiling must be tight-joined, sealed and dustproof. Drop-in panel ceilings are not permitted (AS 4674:2004 - Section 3.2).

98 Hand Basin(s) and Hand Towels

A suitable number of hand basins must be provided in accessible and convenient locations within all food handling areas and in or adjacent to toilet facilities used by food handlers. Hand basins must be freestanding and serviced with hot and cold water which can be mixed at a temperature of at least 40°C through a single outlet (AS 4674:2004 - Section 4.4).

Hand basins within food handling areas must be located no further than 5m from any place where food handlers are handling open food.

Soap and single-use towels from a wall-mounted dispenser must be provided adjacent to each hand basin. Air dryers installed as the sole means of drying hands are not permitted (AS 4674:2004 - Section 4.4).

99 Equipment for Cleaning and Sanitising

Adequate facilities must be provided for cleaning and sanitising food handling equipment and utensils in accordance with Table 4.1 of AS 4674:2004. As a minimum, a double bowl wash sink of adequate size and capacity must be provided for washing food handling equipment and utensils. All sinks must be serviced with hot and cold water through a single outlet (AS 4674:2004 - Section 4.1).

100 Fittings

All fixtures, fittings and equipment must be installed in accordance with Section 4 of AS 4674:2004 and be finished in a smooth, non-absorbent material, and be free of cracks, gaps, crevices or exposed joints (AS 4674:2004 - Section 4).

101 False Bottoms

False bottoms and cavities under fittings are not permitted (AS 4674:2004 - Section 4.2 and 4.3).

102 **Display Units**

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, physical contact, flies, dust, etc (AS 4674:2004 - Section 4.2).

103 Condensation Collection/Overflow

Condensation from refrigeration units, overflow from coffee machines and the like must be directed to the sewer via a tundish installed in accordance with Sydney Water requirements.

104 Mechanical Exhaust

Mechanical exhaust ventilation must be provided to the cooking appliances and be installed in accordance with AS 1668.2:2012: The Use of Ventilation and Air-conditioning in Buildings, Part 2: Ventilation Design for Indoor Air Contaminant Control (AS 4674:2004 - Section 2.5, AS 1668.2:2012).

105 **Doors**

Doors to the internal toilet and air lock must be fitted with a self-closing device. Toilet and air lock doors must not be able to be held in an open position (AS 4674:2004 - Section 5.2).

106 Hot Water Service

A hot water service of adequate capacity must be provided. The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted a minimum 150mm above floor level on a stand of non-corrosive metal construction (AS 4674:2004 - Section 4.3).

107 **Storerooms**

Storerooms must be constructed in accordance with Section 3.2 of AS 4674:2004. Shelving or storage racks must be impervious and constructed to enable easy cleaning.

108 Insect Protection

Tight-fitting, washable insect screens or other approved means of excluding insects must be provided to all window and door openings (AS 4674:2004 - Section 2.1.5).

109 Storage Facilities

Sufficient facilities must be provided for the storage of cleaning materials, office materials, employees' clothing and personal belongings (AS 4674:2004 - Section 5.1).

110 Waste Storage

Adequate storage facilities must be provided for garbage containers, containers for recyclable materials and compacters in an external area or in a room specifically for that purpose (AS 4674:2004 - Section 2.4).

111 Registration

The food business is required to be registered with Council. A Food Business Notification Form must be submitted prior to business operations commencing. The appropriate form can be completed on Councils' web page by visiting:

https://wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-regulations/food-businesses

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a registration form.

112 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 building can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard, Probable Maximum Flood (PMF) or Probable Maximum Flood (PMF) plus freeboard being RL 25.98 metres AHD or greater.

113 Installation of Fittings and Fixtures

All fittings and fixtures must be built into the wall and floor so to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- **a.** Plinths Plinths must be an integral part of the floor, constructed of solid materials, at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth.
- **b.** Wheels or Castors The wheels and castors must be capable of supporting and easily moving a full loaded fitting and be provided with a restraining device.
- **c.** Legs Fittings and fixtures may be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and cervices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

Operational Phases of the Development/Use of the Site

- All servicing and waste collection is 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.
- All waste collection, servicing and deliveries are to be undertaken outside of normal retail trading hours to ensure that service and delivery vehicles reversing within car parking areas do not impact on the safety of the general public.

116 Child Care Centre Noise Restriction

a Residential Receptors

i Outdoor Play Area

Up to two (2) hours (total) per day - The LAeq 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location.

More than two (2) hours per day - The LAeq 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:

- 1.5 m above ground level;
- On a balcony at 1.5 m above floor level;
- Outside a window on the ground or higher floors.

ii Indoor Play Area, Mechanical Plant, Pick up and Drop off

The LAeq 15 minute noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location.

117 Child Care Management Plan

The recommendations of child care plan of operation management plan must be implemented during the operation of child care.

118 Acoustic Compliance Report

Within six months of the child care centre commencing operation, when the capacity of the centre has reached its maximum capacity, the centre operator shall submit a child care operational noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to noise requirements stated in Condition 61. A copy of the acoustic compliance report must be submitted to council Environment Section.

119 **CCTV**

A closed circuit television system (CCTV) should be installed to record all images of the rear and basement car parks. The camera views are not to be obstructed by temporary or permanent structures, signage or other impediments. The cameras should operate 24 hours a day.

120 Restricted Hours of Operation

The hours of operation for the child care centre shall be restricted to 7.00 am to 6.00 pm Monday to Friday only.

The hours of operation for the fitness centre (gymnasium) shall be restricted to 7.00 am to 7.00 pm Monday to Friday only.

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

121 Backwash of Swimming Pool Water

The discharge of water from the pool should only be carried out after chlorine levels in the water have been depleted. Swimming pool water should not be discharged to a watercourse.

122 Swimming Pool Filtration Motor

The operation of the swimming pool filtration motor shall be restricted to the following hours of operation:

Monday to Friday - 7:00 am to 8:00 pm

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

The equivalent continuous noise level ($L_{Aeq\,(15min)}$) of the swimming pool filtration motor shall not exceed 5dB(A) above the background noise level ($L_{A90~(15\,min)}$) at the most affected point(s) along any boundary of the property.

123 Swimming Pool – Discharging Water

Discharge and/overflow pipe from the swimming pool and filtration unit must be connected to the sewer where available. All backwash water from the filtration unit is to be similarly disposed.

The pool excavations are not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

Noise Restrictions on Commercial Development excluding Child Care

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

125 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.

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 the regular basis. Waste shall not be allowed to accumulate on the site.

127 **Registration**

The public swimming pool and spa is required to be registered with Council. A Notification of Public Pool Spas – Mortuary – Sex Industry Premises – Places of Shared Accommodation Form must be submitted prior to business operations commencing. The appropriate form can be found on Council's website by visiting: https://www.wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-regulations/health-and-safety-accordions/other-businesses-that-must-be-registered-with-council

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4227 7737 to obtain a registration form.