

# Wollongong Local Planning Panel Assessment Report | 28 April 2020

|                         |   |
|-------------------------|---|
| <b>WLPP No.</b>         | Item No. 1  |
| <b>DA No.</b>           | DA-2019/1464  |
| <b>Proposal</b>         | Demolition of existing structures and construction of a self-storage unit development |
| <b>Property</b>         | 9 Pioneer Drive, Woonona  |
| <b>Applicant</b>        | Martin Morrison Jones   |
| <b>Responsible Team</b> | Development Assessment and Certification - City Centre Team (NL)                      |

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Schedule 2(1)(a) of the Local Planning Panels Direction of 1 March 2018, as the proposal involves creation of a drainage easement over Council land.

#### Proposal

The proposal is for demolition of the existing warehouse building and construction of a self-storage unit development.

#### Permissibility

The site is zoned IN2 Light Industrial pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a self-storage units and is permissible in the zone with development consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and received two submissions which are discussed at section 1.3 of this report.

#### Main Issues

- Creation of a drainage easement over Council land.

#### Recommendation

It is recommended the application be granted deferred commencement approval subject to the draft conditions contained at **Attachment 5**.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the development:

#### State Environmental Planning Policies

- SEPP 64 – Advertising and Signage
- SEPP 55 – Remediation of Land
- SEPP (Coastal Management) 2018

#### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2019

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

- Demolition of the existing industrial warehouse building.
- Construction of a self-storage facility
- Seven separate buildings containing a variety of sized storage units.
- 6 customer car parking spaces adjacent to the administration office.
- Approximately 1-2 staff will be present on site at any one time during general business hours. Outside of these hours, customers will access the site via a pin code.
- Proposed 24 hour operation

### **1.3 BACKGROUND**

Pre-lodgement meeting PL-2019/166 was held prior to lodgement of the current application. A potential exceedance to the FSR was discussed at that meeting however the proponent was advised that Council would not likely support a variation under the circumstances and none is proposed.

The site has previously been occupied by a timber framing company, approved under DA-1993/543 as modified.

#### Customer service actions

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

### **1.4 SITE DESCRIPTION**

The site is located at 9 Pioneer Drive, Woonona and the title reference is Lot 43 DP 818249.

The site is regular in shape with a slight fall from southwest to northeast.

To the east, south and west of the site are other industrial unit developments.

To the north is a Council riparian zone separating the site from residential development.

## Property constraints

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

- **Contaminated land:** The proposal has been accompanied by limited detailed site investigation in respect of contamination concerns. This report has been reviewed by Council's Environment Officer who has recommended conditions of consent.
- **Filled:** The proposal has been accompanied by a preliminary geotechnical investigation in respect of filling on the site. This report has been reviewed by Council's Geotechnical Officer who has recommended conditions of consent.
- **Acid sulphate soils:** The land is variously identified as being impacted by class 3, 4 and 5 acid sulfate soils. The preliminary a limited detailed site investigation concluded that additional assessment of acid sulfate soil potential at the site is recommended if clays beneath the water table require excavation during the development.
- **Flooding:** The site is identified as being located within a flood risk precinct that is under review. Council's Stormwater Officer has reviewed the application in this regard and has provided recommended conditions of consent.
- **88b restriction:** The site contains a drainage easement running through the middle of the site and a right of carriageway across the southern boundary. The proposal is not contrary to the restrictions related to these constraints.

## 1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 and received two submissions as discussed in the table below.



Figure 1: Notification map

| Concern   | Comment   |
|---|---|
| Six outside parking space are grossly insufficient of the amount of storage units they are proposing on their plan. This will force people to park on the street as well as in the access driveway to our property that is a no parking access driveway that is stated in council requirements. | The car parking proposed reflects the specific operational detail of the self-storage facility. The formal car parking spaces adjacent to the office are intended for new customers registering to use the facility only during daytime hours. Existing customers will drive to a point on the site as close as possible to their allocated unit and park adjacent. The use is intermittent in nature and there are sufficient manoeuvring areas on the site to allow vehicles to park without obstructing through traffic. A traffic assessment report has been provided with the application addressing this matter specifically and has been reviewed by Council's Traffic Officer as being satisfactory. No offsite car parking impacts are expected. |
| Looking at the plans I do not see any water retention basin to ease the flow of rain water into the local water way. There are large roof areas which will collect large volumes of water and could cause flooding due to water not being able to run away.                                     | Flood modelling submitted with the application has been reviewed by Council's Stormwater Officer as satisfactory with regard to impacts to flood levels. The subject site is within an OSD concession zone and flows from the site are directed to receiving waters, therefore OSD is not required.   |
| The Fire Hydrants do not seem to show where they are going to be situated on the property. I can only see the booster valve in the main entry. What does this mean?   | A fire hydrant and pump set is shown at the front of the site on the ground Floor Plan A02.1 C. This is a matter that can be addressed in the Construction Certificate.   |

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Traffic, Geotechnical, Landscape, Environment, Stormwater Officers and Statutory Property Officers have reviewed the application and provided satisfactory referrals subject to conditions of consent.

### 1.6.2 EXTERNAL CONSULTATION

#### National Resources Access Regulator (NRAR)

The proposal is integrated development requiring concurrence from the NRAR under the Water Management Act. General Terms of Approval have been provided as contained in the draft consent.

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

N/A

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

### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 ADVERTISING AND SIGNAGE**

#### Elevation A (West, Pioneer Road frontage)

- One internally illuminated façade sign attached to the front building
- One internally illuminated blade sign

#### Elevation B (South)

- Two internally illuminated façade sign attached to the front building
- One internally illuminated blade sign attached to the southern front storage unit (also visible from the west)

The signs are compatible with the existing or desired future character and theme for the locality. The site is not located within a special area and the sign do not obscure or compromise important views, skyline or quality of vistas or viewing rights.

The Streetscape, setting and landscape are considered satisfactory and the signs are compatible with the scale, proportion and other characteristics of the site and building.

Illumination will not result in unacceptable glare or affect safety for pedestrians, vehicles, aircraft, or nearby residences. Illumination is not adjustable.

### **2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

Council records indicate that the land is potentially contaminated. A Limited Detailed Site Investigation has been undertaken. Soil samples analysed for potential contamination indicate that site has coal wash rejects (CWR) up 3.5 metres depth but below the adopted human health criteria for commercial/industrial land use. Potential Asbestos Containing Materials (ACM) were not observed on the ground surface during field works.

Council's Environment Officer has reviewed the proposal and raises no objections subject to conditions including the installation of two piezometers upslope and down slope of groundwater flow with 2 wet sampling and analysis events per year and reporting.

It is considered the will be suitable for the proposed use under clause 7 of this policy subject to conditions.

### **2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

The proposal is located within the Coastal Environment and Coastal Use areas under this policy.

#### **Division 3 Coastal environment area**

##### 13 Development on land within the coastal environment area

The development is designed, sited and managed to avoid any adverse impacts described under this clause.

#### **Division 4 Coastal use area**

##### 14 Development on land within the coastal use area

The development is designed, sited and managed to avoid any adverse impacts described under this clause.

#### **Division 5 General**

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

The proposal will not result in any increased risk in respect of coastal hazards.

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

The proposal is not in an area identified under Council's coastal management plan as being subject to coastal hazards.

### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

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

#### **Part 2 Permitted or prohibited development**

##### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned IN2 Light Industrial.

##### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

#### **Part 4 Principal development standards**

##### Clause 4.3 Height of buildings

The proposed building height of 9m does not exceed the maximum of 11m permitted for the site.

##### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

|            |   |
|------------|---|
| Site area: | 10,294m <sup>2</sup>                              |
| GFA:       | 5,144m <sup>2</sup>                               |
| FSR:       | 5,144m <sup>2</sup> /10,294m <sup>2</sup> = 0.5:1 |

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services. A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

### Clause 7.3 Flood planning area

Council's Stormwater Engineer has assessed the application in regard to this clause and has not raised any objections subject to appropriate conditions of consent.

### Clause 7.5 Acid Sulfate Soils

The land is variously identified as being impacted by class 3, 4 and 5 acid sulfate soils. The preliminary geotechnical and limited detailed site investigation concluded that based on a soil sample, additional assessment of acid sulfate soil potential at the site is recommended if clays beneath the water table require excavation during the development. This requirement is reflected in the draft conditions of consent.

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

None applicable.

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

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

Variations to controls in the DCP are addressed below, with the remainder of the compliance tables being contained in Attachment 4.

## **CHAPTER A1 – INTRODUCTION**

### **8 Variations to development controls in the DCP**

A variation is proposed to the front building setback and boundary landscaping requirements.

#### Front setback

##### *(a) The control being varied;*

Chapter B5, 3 Factory / warehouse distribution centre building design requirements: A setback of 10m is required from collector roads.

##### *(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

The proposal has a setback of between 7.5m and 11m. There are no particularly unique circumstances for the proposal.

##### *(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of the control are as follows:

- (a) To enhance the visual quality of industrial development through appropriate setbacks together with appropriate building and landscape design, particularly when viewed from public roads and other public domain areas.*

- (b) To minimise the visual impact of factory / warehouse distribution centre buildings upon the streetscape of the surrounding locality.*
- (c) To create a pleasant environment within and external to the site.*
- (d) To ensure satisfactory amenity and privacy levels are maintained for any adjoining sensitive land uses such as a residential land use.*

There are a number of trees proposed for removal which are to be replaced with a substantial amount of planting in the front setback including mature sized trees which will effectively screen the development and improve the streetscape. The setback area is well in excess of that for industrial unit development adjoining the site and in the general locality. There are no sensitive land uses adjoining the site.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

As discussed above.

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$7,462,049 including GST and a 1% levy is applicable under this plan.

### **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?

Conditions of consent are recommended with regard to demolition.

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

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

### **2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE 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 have any unreasonable 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.

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

Two submissions which are discussed in section 1.5 above.



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

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

## **3 CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including Wollongong LEP 2009, State Policies, Council DCPs, Codes and Policies. The design of the development is appropriate regarding the controls outlined in these instruments. The proposal involves a variation to the front setback requirements under WDCP2009. A variation request statement has been submitted and assessed as reasonable. Internal and external referrals have been considered in the assessment along with submissions. In particular, Councils Statutory Property Officer raises no objection to the method of disposal of the stormwater from this development subject to the creation of an easement over the stormwater assets that will be located within the adjoining Council land.

It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to conditions as contained at Attachment 5.

## **5 ATTACHMENTS**

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- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 WDCP 2009 Assessment
- 5 Draft consent

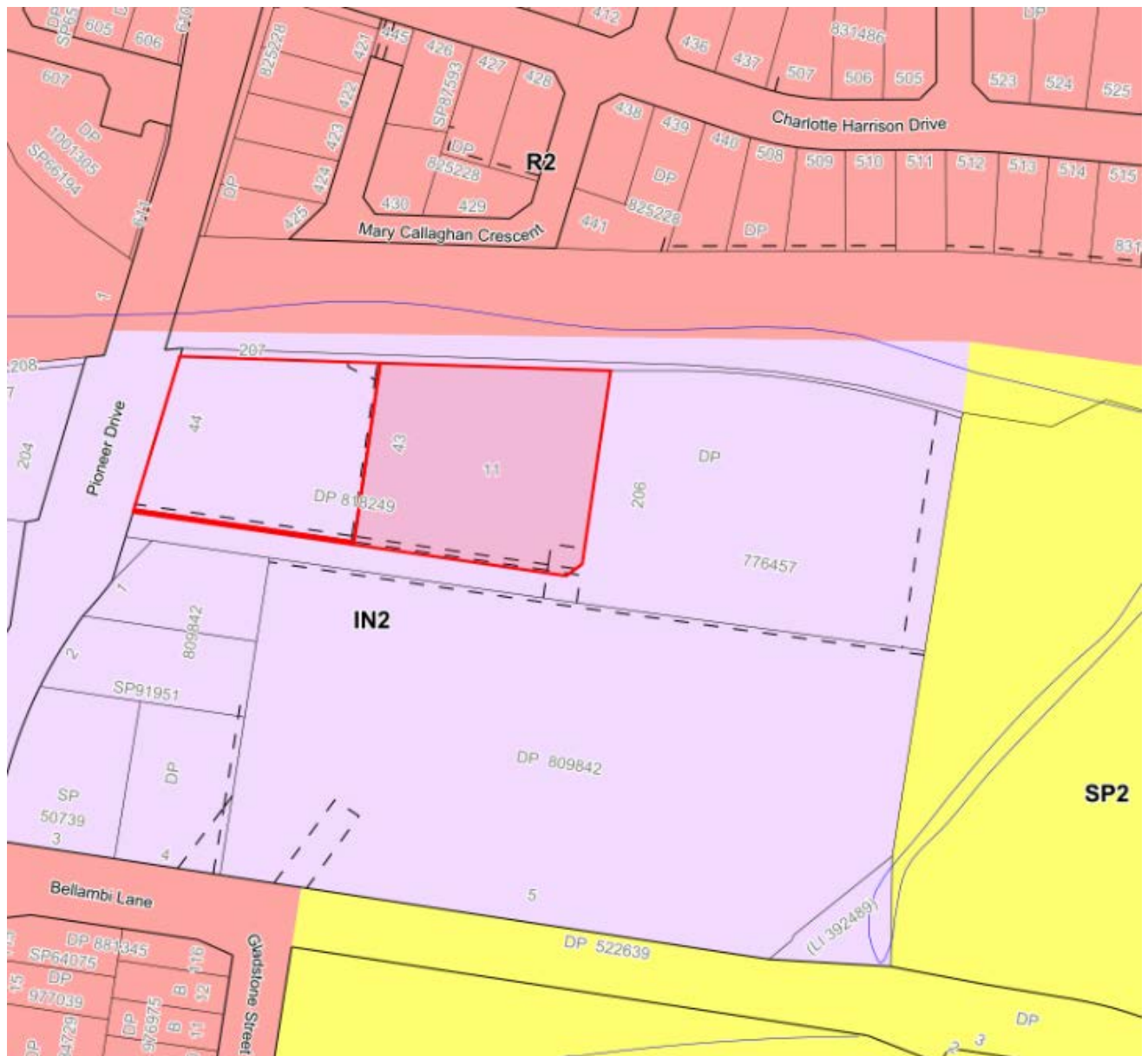
**DA-2019/1464**

Attachment 1 – Aerial photograph



DA-2019/1464

Attachment 2 – WLEP zoning map



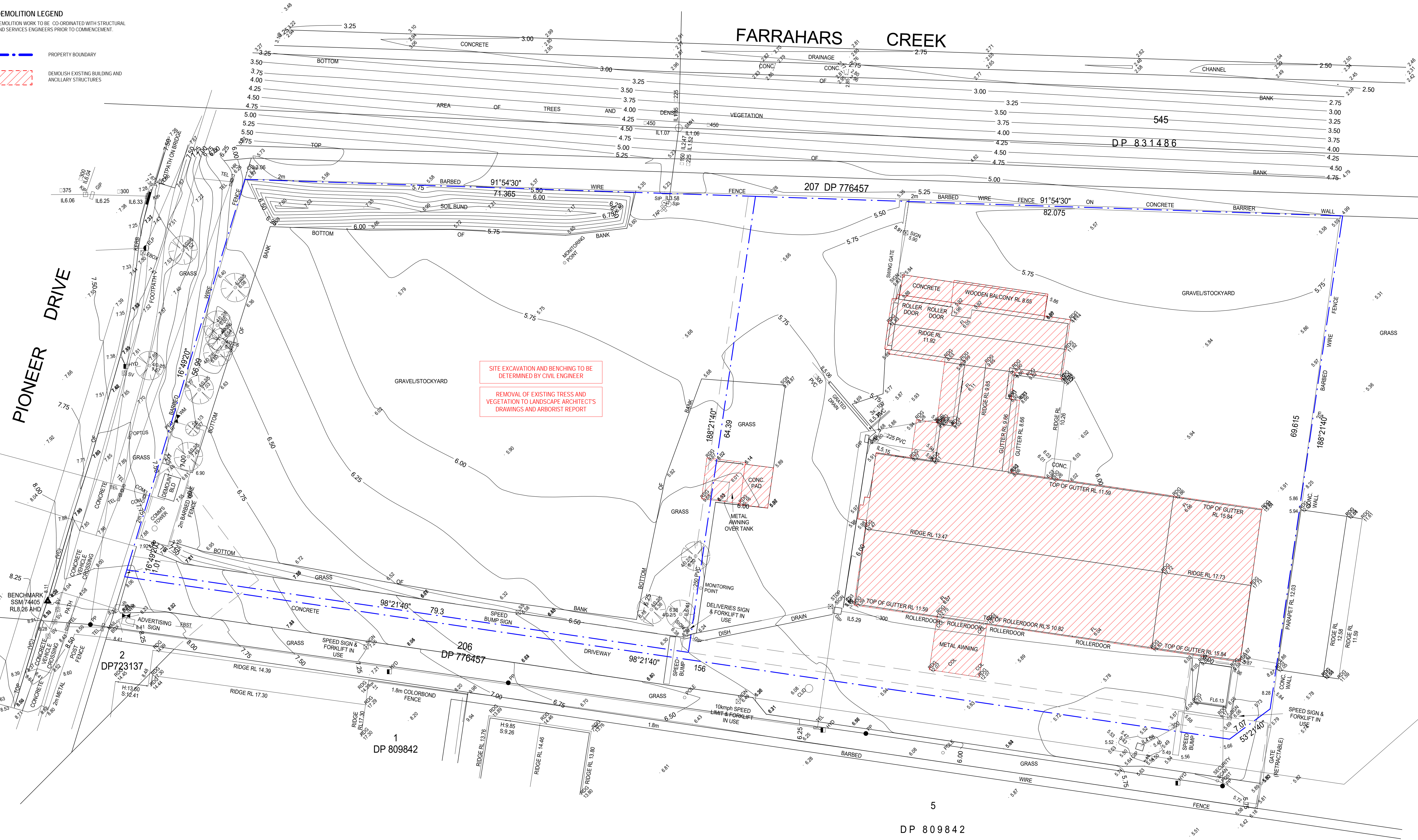


DEVELOPMENT APPLICATION

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DEMOLITION LEGEND  
DEMOLITION WORK TO BE CO-ORDINATED WITH STRUCTURAL AND SERVICES ENGINEERS PRIOR TO COMMENCEMENT.

PROPERTY BOUNDARY  
DEMOLISH EXISTING BUILDING AND ANCILLARY STRUCTURES



SITE EXCAVATION AND BENCHING TO BE DETERMINED BY CIVIL ENGINEER  
REMOVAL OF EXISTING TREES AND VEGETATION TO LANDSCAPE ARCHITECT'S DRAWINGS AND ARBORIST REPORT

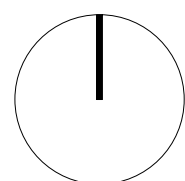


STORAGE KING WOONONA  
9-11 PIONEER DRIVE, WOONONA, NSW 5517

| ISSUE | DATE     | DESCRIPTION         |
|-------|----------|---------------------|
| A     | 12.12.19 | FOR APPROVAL        |
| B     | 18.12.19 | FOR APPROVAL        |
| C     | 19.03.20 | AMENDS. FOR COUNCIL |

EXISTING & DEMOLITION PLAN - SITE

A01.01 DA - C  
1:250 @ A1  
1:500 @ A3



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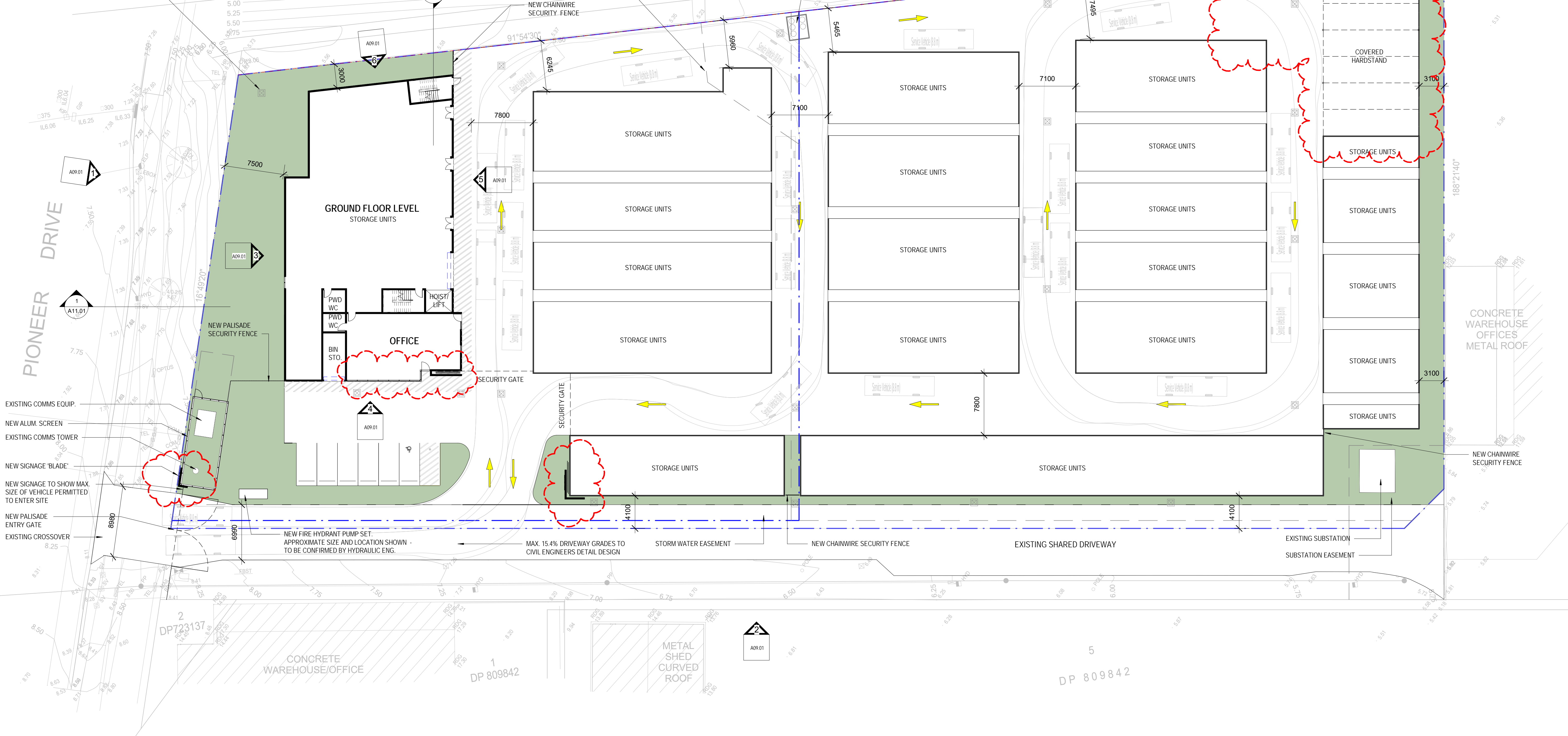
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NEW WORKS LEGEND  
NEW WORKS TO BE CO-ORDINATED WITH STRUCTURAL AND SERVICES ENGINEERS PRIOR TO COMMENCEMENT.

- PROPERTY BOUNDARY
- NEW WORKS
- EXISTING
- LANDSCAPED AREA  
- TO LANDSCAPE ARCHITECT'S DESIGN

CLASS D. GRATED INLET PIT WITH SPEL STORMSACKS TYP. TO HYD. ENGS. DRAWINGS.

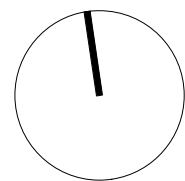


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PROPOSED GROUND FLOOR PLAN

A02.01 DA - C  
1:250 @ A1  
1:500 @ A3



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NEW WORKS TO BE CO-ORDINATED WITH STRUCTURAL AND SERVICES ENGINEERS PRIOR TO COMMENCEMENT.

NEW WORKS TO BE CO-ORDINATED WITH STRUCTURAL AND SERVICES ENGINEERS PRIOR TO COMMENCEMENT.

EXISTING



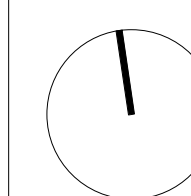
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## PROPOSED FIRST FLOOR PLAN

**A02.02 DA - C**

1:250 @ A1  
1:500 @ A3



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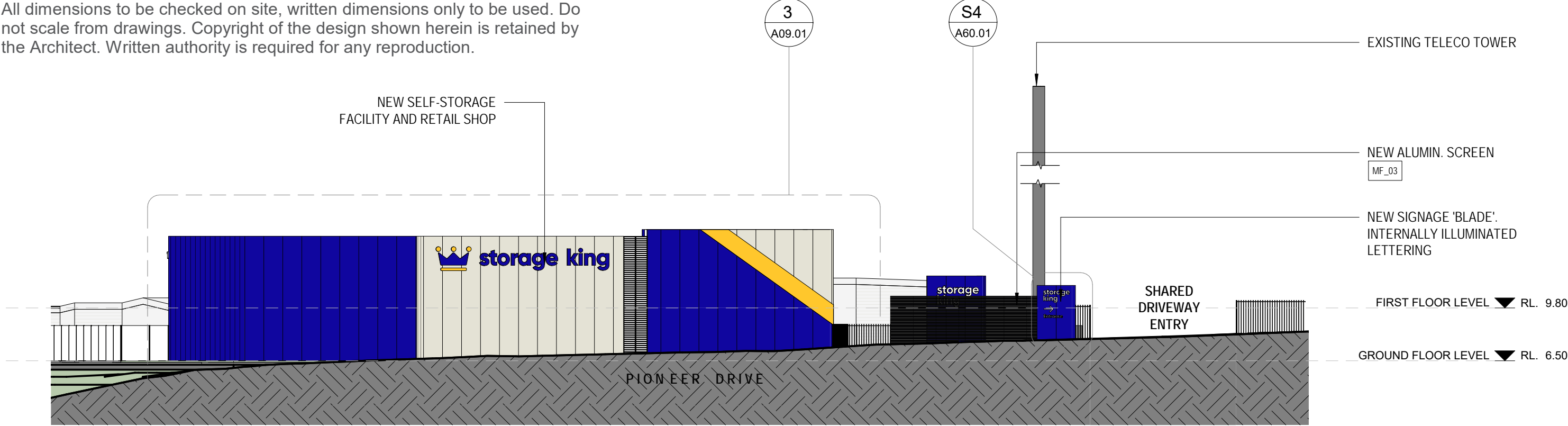
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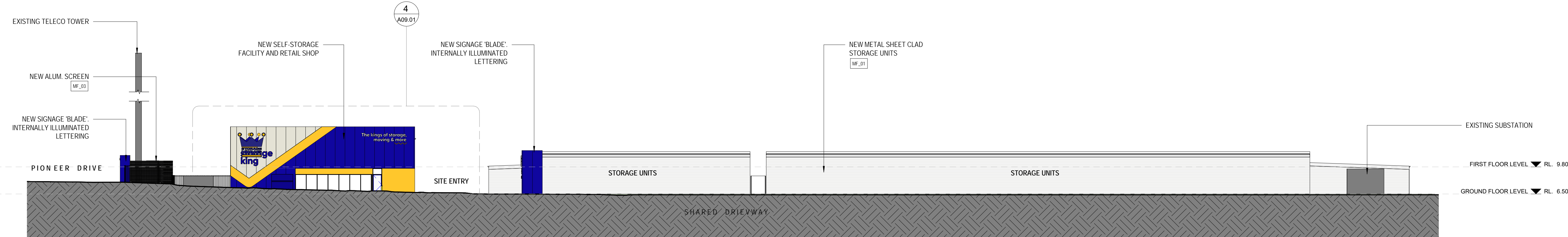
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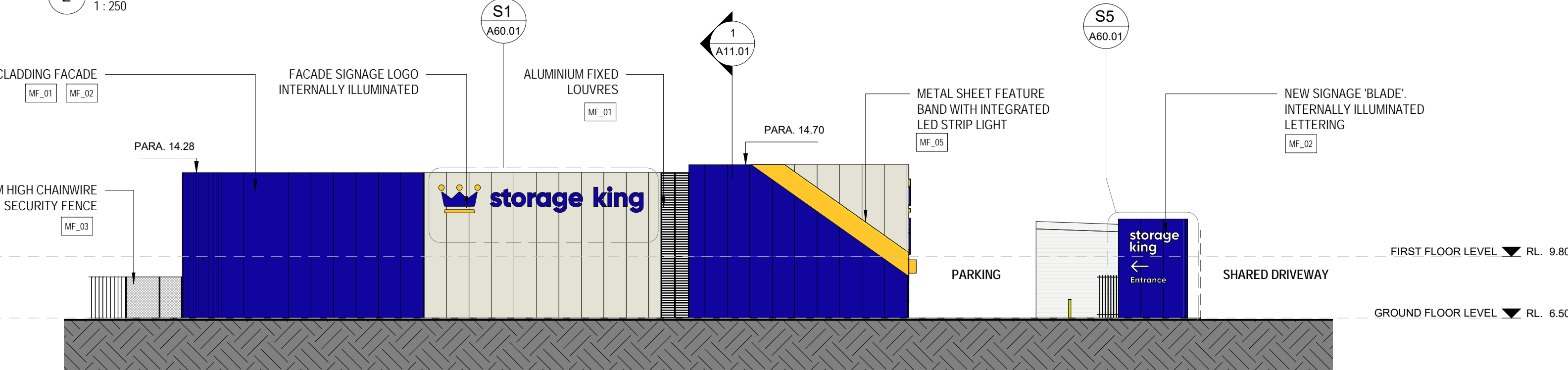


MATERIAL SWATCHES

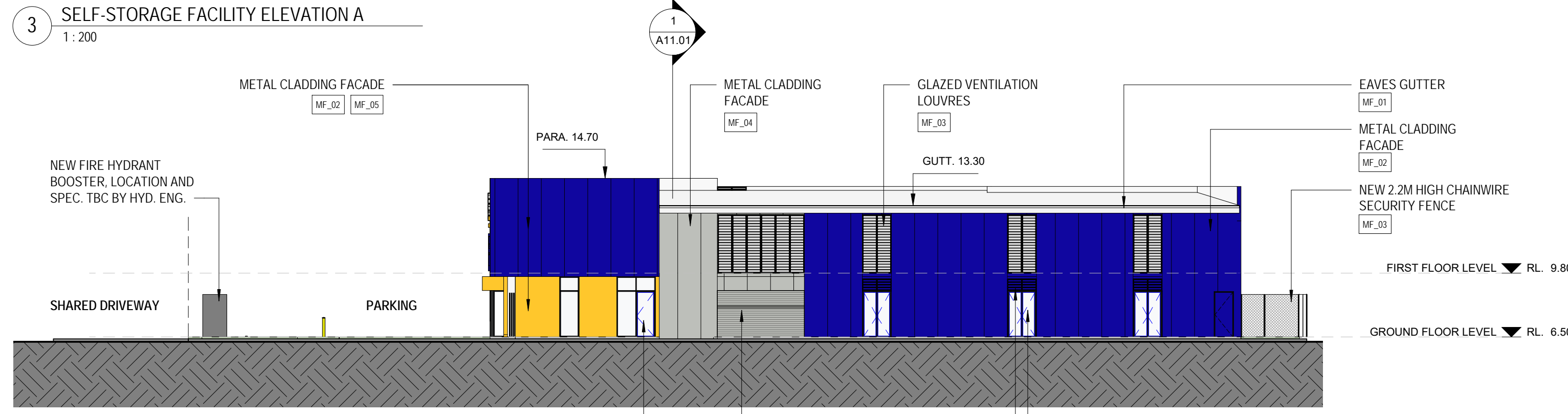
1 SITE ELEVATION - PIONEER DRIVE  
1:250



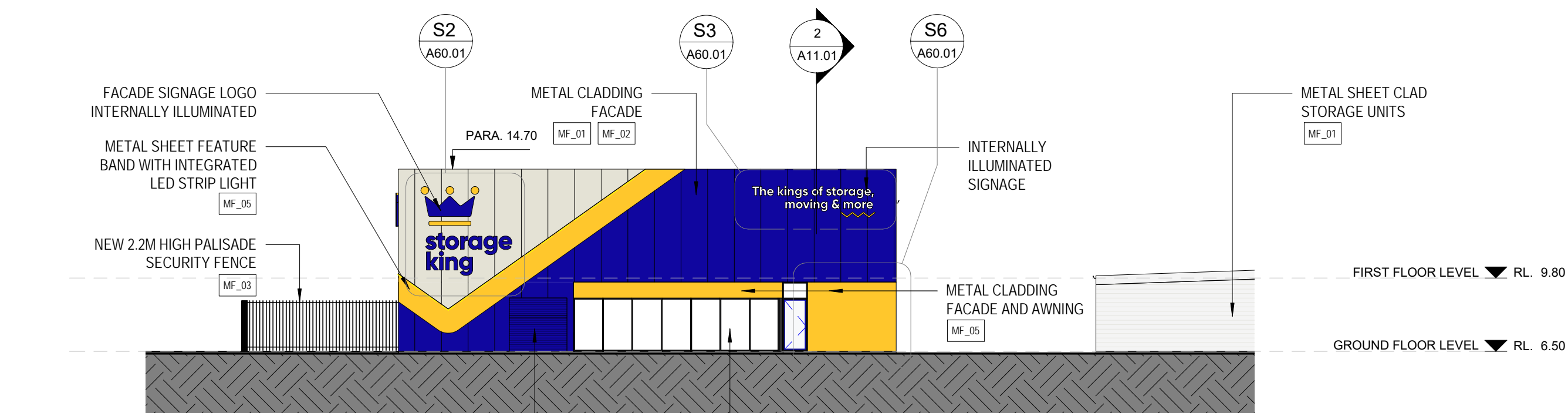
2 SITE ELEVATION - SHARED DRIVEWAY  
1:250



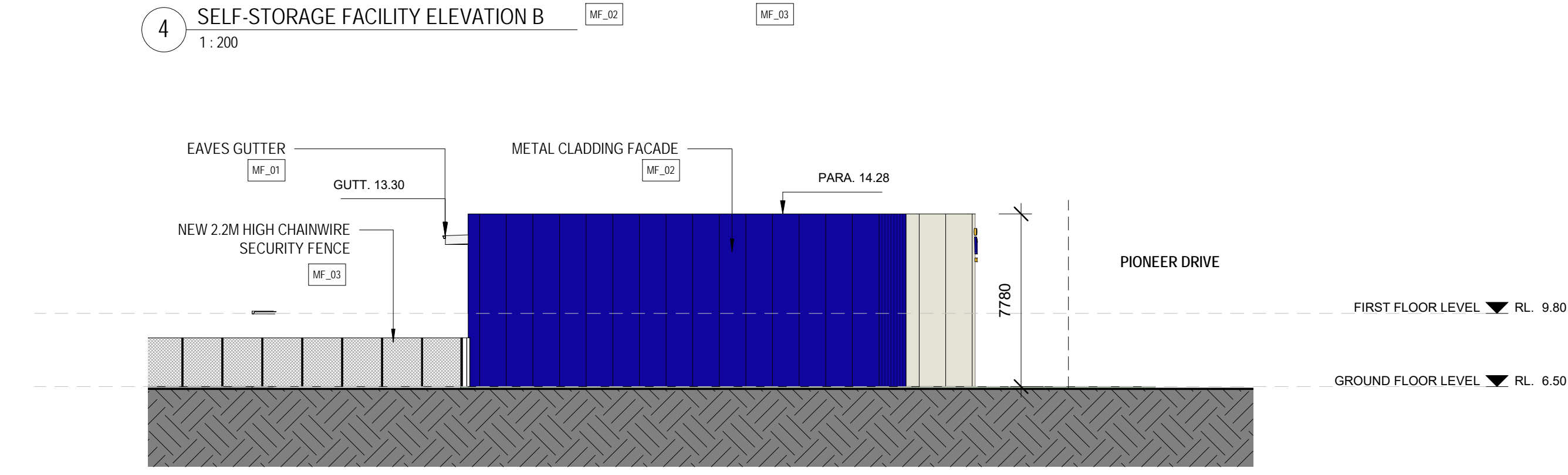
3 SELF-STORAGE FACILITY ELEVATION A  
1:200



5 SELF-STORAGE FACILITY ELEVATION C  
1:200



4 SELF-STORAGE FACILITY ELEVATION B  
1:200



6 SELF-STORAGE FACILITY ELEVATION D  
1:200



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PROPOSED EXTERNAL ELEVATIONS

A09.01 DA - C  
AS INDICATED @ A1  
@ A3

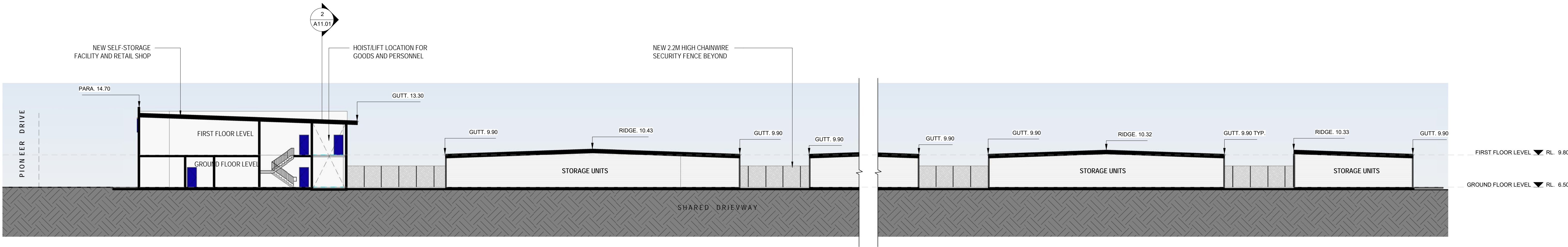
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1 SECTION EAST-WEST  
1:200



2 SECTION NORTH-SOUTH  
1:200



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PROPOSED BUILDING SECTIONS

| A11.01 | DA - C |
|--------|--------|
| 1:200  | @ A1   |
| 1:400  | @ A3   |

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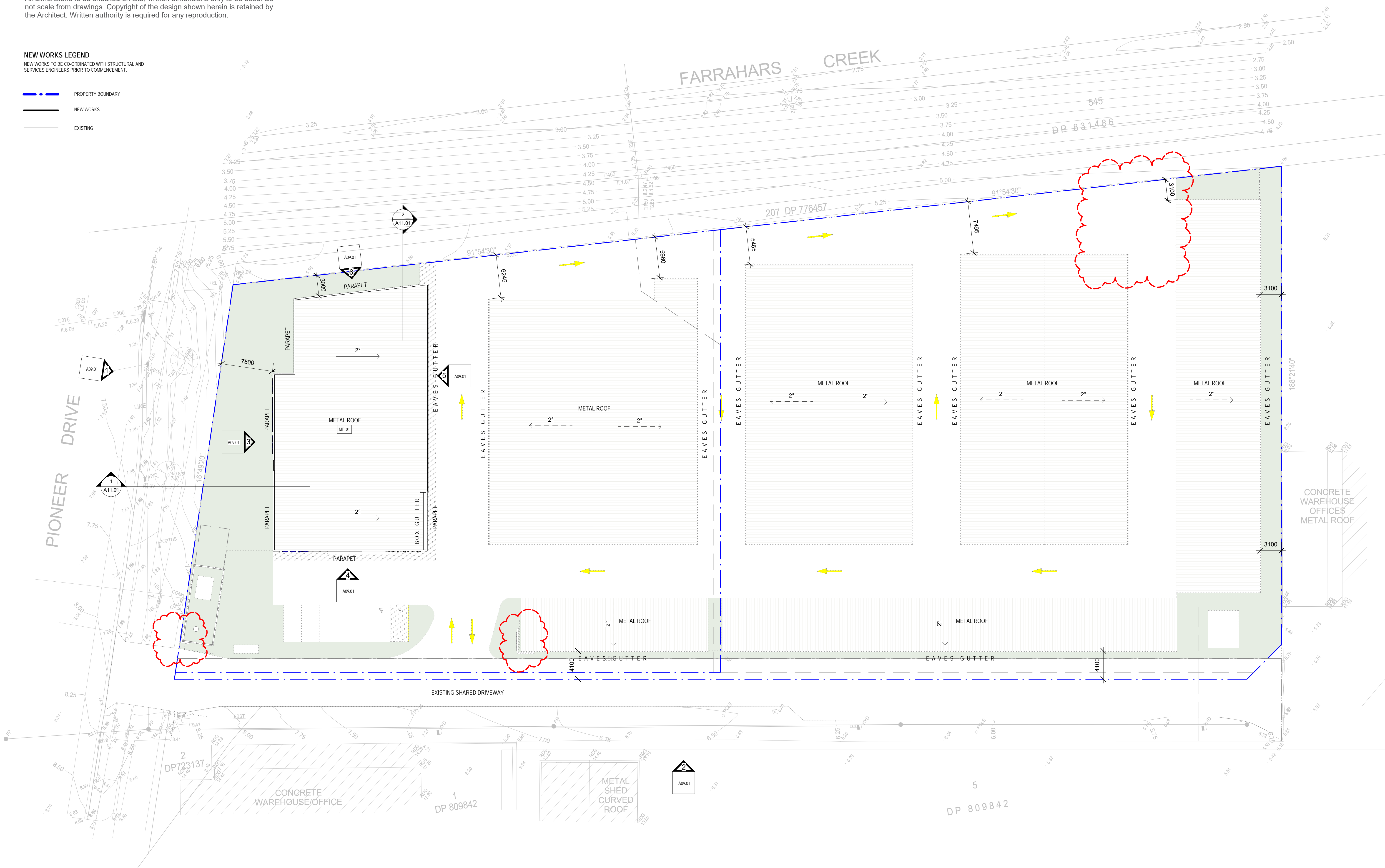


DEVELOPMENT APPLICATION

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NEW WORKS LEGEND

- NEW WORKS TO BE CO-ORDINATED WITH STRUCTURAL AND SERVICES ENGINEERS PRIOR TO COMMENCEMENT.
- PROPERTY BOUNDARY
- NEW WORKS
- EXISTING

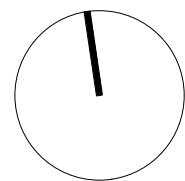


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PROPOSED SITE / ROOF PLAN

A02.10 DA - C  
1:250 @ A1  
1:500 @ A3

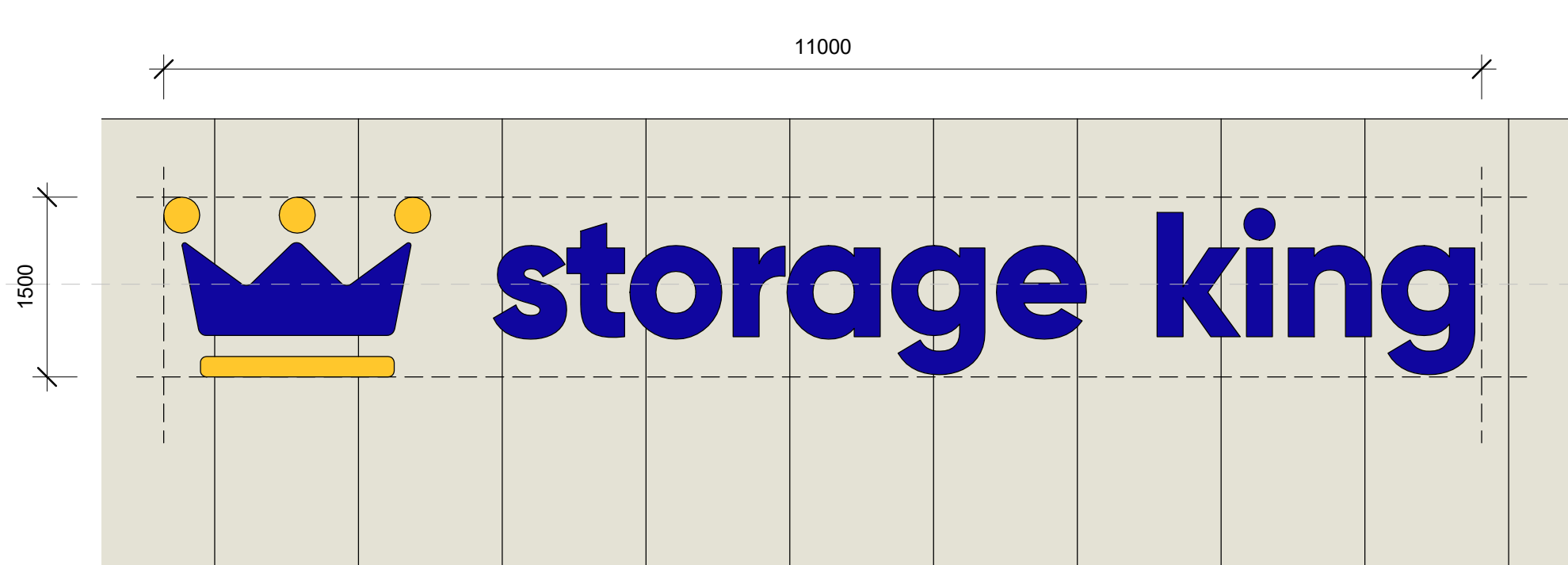


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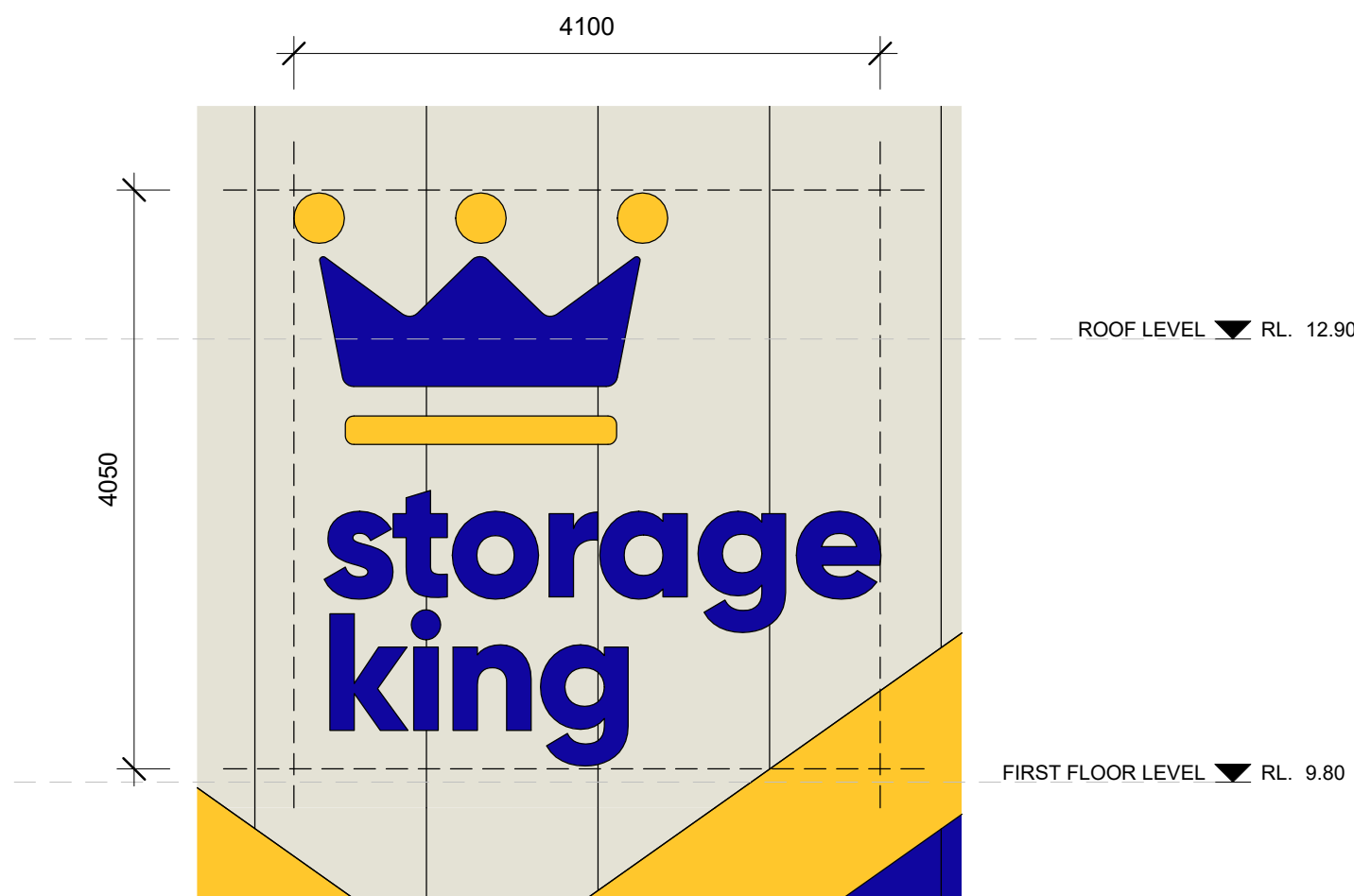
**BN** Architecture  
Urban Design  
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DEVELOPMENT APPLICATION

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



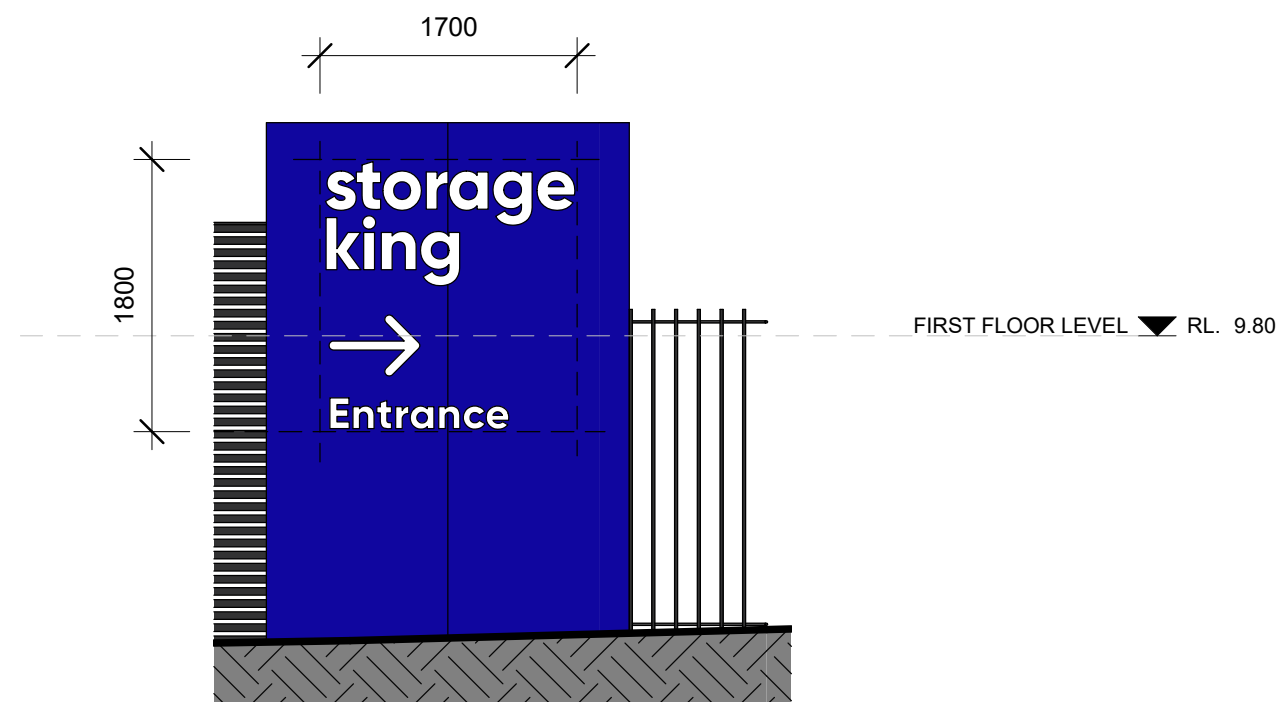
S1 FACILITY LOGO - S1  
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3D FORMED LOGO & LETTERING  
INTERNALLY ILLUMINATED



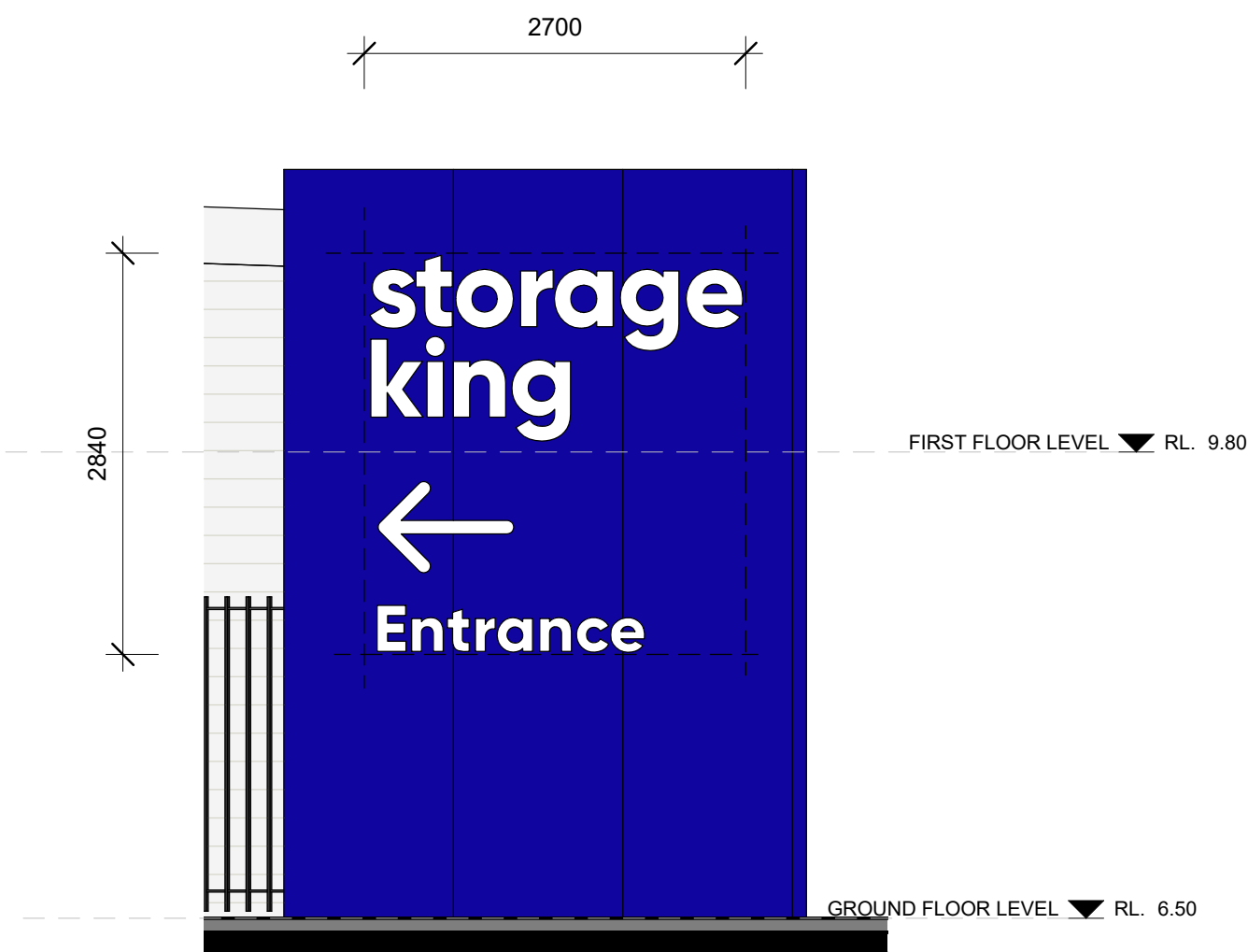
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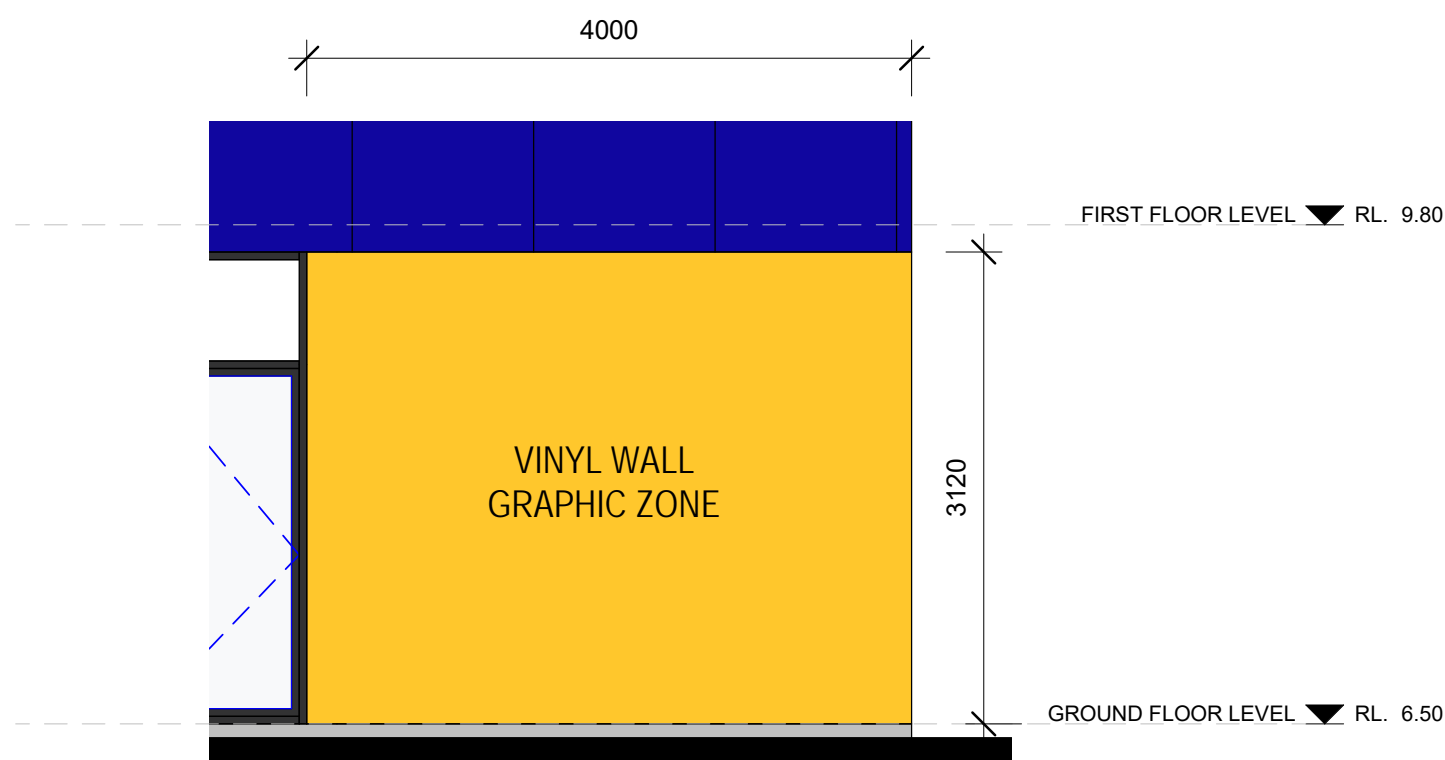
S3 FACILITY MOTIF TEXT - S3  
1:50  
3D FORMED LETTERING  
INTERNALLY ILLUMINATED



S4 DIRECTIONAL BILLBOARD - S4  
1:50  
3D FORMED LETTERING  
INTERNALLY ILLUMINATED



S5 DIRECTIONAL BILLBOARD - S5  
1:50  
3D FORMED LETTERING  
INTERNALLY ILLUMINATED



S6 DIRECTIONAL SIGNAGE - S6  
1:50  
UV RESISTANT PRINTED GRAPHIC ON ADHESIVE VINYL  
- GRAPHIC T.B.C. BY OPERATORS



STORAGE KING WOONONA  
9-11 PIONEER DRIVE, WOONONA, NSW 5517

| ISSUE | DATE     | DESCRIPTION         |
|-------|----------|---------------------|
| A     | 12.12.19 | FOR APPROVAL        |
| B     | 18.12.19 | FOR APPROVAL        |
| C     | 19.03.20 | AMENDS. FOR COUNCIL |

SIGNS & DISPLAYS

A60.01 DA - C  
1:50 @ A1  
1:100 @ A3

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Interiors

## ATTACHMENT 4 – WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 ASSESSMENT

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

### CHAPTER B5 INDUSTRIAL DEVELOPMENT

#### 3 Factory / warehouse distribution centre building design requirements

##### *3.1 Building Setbacks*

A variation is requested to the front setback as discussed at Chapter A1 above.

#### 4 Building design / façade treatment

The façade treatment of the proposal is considered acceptable in the context and will be softened with substantial landscaped area within the front setback.

#### 5 Energy and Water Efficiency

The proposed use is not expected to result in high energy consumption.

Water is to be captured from roofs for use in landscaped areas.

#### 6 Safety and security

See Chapter E2

#### 7 Carparking requirements

See Chapter E3

#### 8 Loading dock facilities, vehicular access and manoeuvring requirements

See Chapter E3

#### 9 Landscaping requirements

A suitable landscape plan has been provided.

Landscaping is integrated within the overall development

The overall landscaped areas is approximately 10% and satisfies the minimum requirements of this control.

A dense landscape strip is provided along the street frontage for a depth exceeding 5m.

Shade trees are provided for the car park area and planter beds are to be contained by concrete kerb with concrete wheel stops adjacent to parking spaces.

Separate pedestrian movement areas are not considered necessary within the development given the intermittent nature of the use and fact that customers will drive up to their storage unit.

The proposal will not significantly employ staff that would justify provision of a meal break area.

Contrasting pavement is not considered desirable at the threshold given the industrial nature of the precinct.

It is a condition of consent that landscaped areas are suitably irrigated.

#### 10 Outdoor storage areas

N/A

#### 11 Shipping container storage facilities

N/A

#### 12 Motor Vehicle Repair Workshops

N/A

### 13 Fencing

Fencing is to be constructed of palisade or decorative open style metal type fencing with a maximum 2.4 metre height in accordance with this control.

### 14 Use of factory / warehouse units

N/A

### 15 Abrasive blasting industry

N/A

### 16 Industrial development adjoining a residential zone

### 17 Retailing in industrial areas

N/A

### 18 Yallah Industrial Estate

N/A

### 19 Jardine Street Industrial Estate

N/A

### 20 Advertising structures / signs

See Chapter C1.

### 21 Stormwater drainage requirements & flood study requirements

See Chapter E14 and E15.

### 22 Riparian corridor management

See Chapter E23

### 23 Utility infrastructure services

The site is connected to the major utilities which are not considered to require significant augmentation.

### 24 Subdivision of industrial land

N/A

### 25 Road design & construction requirements – road types and characteristics for public roads

N/A

### 26 Restricted access to arterial or sub-arterial roads

N/A

### 27 Street lighting

N/A

### 28 Strata subdivision of multi-unit factory / warehouse distribution centre complexes

N/A

## **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.

#### 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 in the locality.

### 8.4 Colour

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

### 8.5 Illumination

None proposed.

### 8.6 Rationalisation of Advertising Signage

Not applicable.

### 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

The signage does not pose any public safety risk.

## **9 Specific controls for advertising signs and structures**

### 9.2 Flush Wall Signs

Flush business signage is proposed on the western and southern elevations and is satisfactory with regard to this control.

### 9.5 Pole or Pylon Signs

One pylon sign at the entry along the right of carriageway is proposed and is satisfactory with regard to this control.

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Woonona

The proposal is considered to be consistent with the existing and desired future character for the locality.

## **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

Level access into and within the office area as well as an accessible car parking space are provided.

Storage units themselves are additionally accessible.

## **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

Safety and security is addressed as follows:

- Appropriate location of landscaped areas.
- Suitable security lighting
- Access into and out of the facility after hours can only be gained via customer pin code security arrangements.
- 24 hour digital CCTV
- self-storage units fitted with individual alarm systems



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

### **6 Traffic impact assessment and public transport studies**

#### **6.1 Car Parking and Traffic Impact Assessment Study**

The proposal is not a heavy traffic generator and customers visiting the premises are expected to be reasonably spread out over the day. The operation is further 24/7.

It is not expected that the traffic generation would adversely impact on the surrounding road network.

#### **6.2 Preliminary Construction Traffic Management Plan**

N/A

### **7 Parking demand and servicing requirements**

There are no specific car parking rates for self-storage units and as such a merit assessment has been undertaken. The applicant also relies on a Aurecon Self Storage Facility Traffic and Parking Study 2009 to underpin their assessment of car parking demand.

6 car parking spaces are provided at the entry adjacent to the office, including an accessible space. These spaces are generally for customers who are commencing leasing one of the units within the facility. Once leased, a customer would generally drive to within close proximity of their unit to park. There is sufficient space between buildings for this to safely occur without obstructing through traffic.

Given this operational detail and the intermittent nature of the use, the number of car parking spaces is considered suitable for the use.

Council's Traffic Officer has reviewed the proposal in this regard and has given a satisfactory referral.

### **8 Vehicular access**

Driveway widths, grades and sight distances comply.

### **9 Loading / unloading facilities and service vehicle manoeuvring**

The development complies with AS 2890.2.

Waste servicing will occur on-site.

### **10 Pedestrian access**

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

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

The proposal is satisfactory with regard to the principles of CPTED.

## **CHAPTER E6: LANDSCAPING**

A landscape plan prepared by a suitably qualified consultant has been submitted. This plan has been reviewed by Council's Landscape Officer who is satisfied that it complies with Council requirements.

## **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

The proposal involves demolition of the existing warehouse building and a demolition plan has accordingly been provided.

Suitable waste storage and servicing arrangements have been provided.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

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

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within a high medium low flood risk uncategorised precinct. A flood study and concept stormwater plan have been provided. Council's Stormwater Officer has

reviewed the proposal with respect to the provisions of this chapter and clause 7.3 of WLEP 2009 and has recommended conditions of consent.

#### **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater is proposed to be disposed of to the adjoining Council owned watercourse/drainage channel. Council's stormwater engineer has reviewed the proposal with respect to this arrangement and the provisions of this chapter and has recommended conditions of consent.

An easement is required over Council land for this purpose and Council's Property Officer has not raised any objections in this regard subject to the appropriate application to Council being made and the easement created subject to other conditions of the consent. A deferred commencement condition is recommended for this purpose.

#### **CHAPTER E15 WATER SENSITIVE URBAN DESIGN**

The development incorporates a stormwater treatment train to ensure discharge of stormwater meets minimum standards.

#### **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

The proposal is satisfactory with regard to the provisions of this chapter.

#### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

See discussion at SEPP 55.

#### **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

Conditions of consent are recommended with regard to demolition.

#### **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.

#### **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

This Chapter provides Council's requirements for the development of land within or adjacent to any riparian corridor land (watercourse, lake or estuary system).

This chapter is to be read in conjunction with 4.46 of the Act (integrated provisions)

There is a watercourse located immediately to the north of the site which is identified as

*Category 2 – Terrestrial and Aquatic Habitat – This category aims to maintain or restore the natural functions of a stream in order to maintain the viability of riparian vegetation and provide suitable habitat for terrestrial and aquatic fauna as well as improve water quality and provide bank stability.*

Council's Environment Officer has reviewed the proposal in respect of riparian land and has advised of suitable conditions of consent.

## **Attachment 5 – Draft conditions of consent**

Consent has been granted for **deferred commencement**.

The development application has been determined by granting deferred commencement consent subject to the following conditions:

- i **The Development Consent shall not operate until Council has been satisfied as to the following matters:**
  - a **Deferred Commencement – Registered Easement**

The developer shall obtain an easement to drain stormwater over Lot 207 DP 776457 and Lot 545 DP 831486 for the purpose of stormwater disposal to the watercourse channel within Lot 545 DP 831486. The minimum easement width shall be in accordance with Table 5 of Chapter E14 of the Wollongong DCP2009. The easement must encompass the whole extent of the stormwater disposal pipe and outlet. Evidence that the easement has been registered with NSW Land Registry Services must be submitted to Council.
- ii The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- iii If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

**Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:**

The development proposed is integrated development and approval is required from the approval bodies listed below:

### **Natural Resources Access Regulator (NRAR)**

Pursuant to Section 91A (2) of the Water Management Act 2000 – Controlled Activity Approval – General Terms of Approval issued by NRAR dated 26 March 2020 as attached shall form part of this Notice of Determination.

Conditions imposed by Council as part of this Integrated Development Consent are:

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans:

Existing & Demolition Plan - Site A01.01 DA-C dated 19 March 2020 prepared by BN Group  
Proposed Ground Floor Plan A02.01 DA-C dated 19 March 2020 prepared by BN Group  
Proposed First Floor Plan A02.02 DA-C dated 19 March 2020 prepared by BN Group  
Proposed Site/Roof Plan A02.10 DA-C dated 19 March 2020 prepared by BN Group  
Proposed External Elevations A09.01 DA-C dated 19 March 2020 prepared by BN Group  
Proposed Building Sections A11.01 DA-C dated 19 March 2020 prepared by BN Group  
Signs and Displays A60.01 DA-C dated 19 March 2020 prepared by BN Group

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 **Geotechnical**
  - a In-situ coal washery reject is to be engineered to comply with Council's Policy on Coal Washery Reject as detailed in Chapter E19 Clause 4.4 of the Wollongong DCP.



- b An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- c All recommendations of the geotechnical consultant, Asset Geo in their geotechnical report dated 14 June 2019 and the environmental consultant, ZOIC Environmental in their report dated 22 July 2019 are to be accommodated in the earthworks plan.
- d The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the site preparation earthworks.
- e Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision.
- f At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the development. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

### 3 **Groundwater Quality Monitoring**

Groundwater analysis has indicated elevated Copper and Zinc content in the groundwater. In order to confirm whether the exceedance of Copper and Zinc levels in groundwater is due to past use as timber storage yard or is the representation of regional groundwater conditions, it is recommended two piezometers be installed that penetrate the water table on the site, one located upstream of groundwater flow of the site and other located downstream.

Groundwater sampling from the piezometers is to be undertaken in accordance with the following:

- samples to be taken twice a year after wet weather.
- water table height for each sampling event.
- rainfall data for the previous five days prior to each sampling event.
- samples to record pH, Redox (Eh), conductivity and heavy metals (Copper, Zinc, Lead, Arsenic, Cadmium, Chromium and Mercury).

A report on the sampling results is to be prepared by a suitably qualified consultant and make recommendations for any remedial action or ongoing sampling requirements. The report is to be submitted to Council Environment Section to determine further monitoring or remediation requirements.

The report must include laboratory certification, chain of custody, and interpretation of the all data for the year, including comparison with the baseline water quality data for the site.

### 4 **Stormwater Quality Management**

The measures outlined within the Water Cycle Management Report prepared by Indesco dated December 2019 are to be implemented and the system suitably maintained to ensure target levels continue to be achieved in perpetuity.

### 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 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the

plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

7 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier 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.

8 **Tree Management**

The developer shall retain existing trees indicated on Site Plan by Concept Dwg No LPDA 20-123 Issue D dated 18 March 2020 consisting of tree numbered 14 and 15. Total number: two (2 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report Ref. No. D3958 dated December 2019 by Allied Tree Consultancy Author Geoff Beisler Checked Warwick Varley to be implemented including and not restricted to: establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19 and A. Total number: eighteen (18 No.). No other trees shall be removed without prior written approval of Council.

9 **Drainage Easement**

A written application must be made to Council's Statutory Property Division requesting the granting of an easement over Council owned drainage assets. The following conditions will apply in this regard:

- a There is an application fee payable in accordance with Council's Fees and Charges (currently \$2,250.00 including valuation for the 2019/20 financial year);
- b The applicant must pay compensation to Council for the granting of the easement, as determined by a formal valuation;
- c The applicant is responsible for all costs in the creation of the easement including valuation, survey, plan lodgement and legal costs, and any other costs incurred in relation to the easement;
- d The grant of the easement is subject to the approval of the development application for the proposed re-development of the applicant's property; and
- e The granting of the easement will be subject to Council approval. A report will need to be submitted to the Council seeking approval.

**Prior to the Issue of the Construction Certificate**

- 10 Internal line-marking and signposting must be provided within the site showing 'No Parking' areas as detailed on the Swept Path Plan by Indesco Consulting Engineers, Drawing Number C205, Revision P2, dated 16 December 2019. This requirement shall be reflected on the Construction Certificate plans.

11 **Maintenance of Flood Storage**

The detailed design of the development shall ensure no net increase in fill in the floodplain. Compensatory excavation may be used to offset fill however the compensatory excavation must be taken from an adjacent area of similar flood function that is lower in the floodplain (i.e. at a lower AEP inundation extent) than the proposed fill areas. These requirements shall be reflected

on the earthworks design plans submitted with the Construction Certificate application. Evidence that these requirements have been satisfied, including certification from a suitably qualified civil engineer, shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

**12 Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://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 Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

**13 Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

- a where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building;
- b rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high palisade or security style fences;
- c Any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements; and;
- d fencing to suit character of local area.

This requirement is to be reflected on the Construction Certificate plans.

**14 Car Parking and Access**

The development shall make provision for a total of 6 car parking spaces (including 1 space for people with disabilities). 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.

15 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 AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

16 Each accessible car parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

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

18 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.

**19 Landscaping**

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

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backbousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame

- Tree.; A further list of suitable suggested species for the Woonona area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
  - c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
  - d any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
  - e 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; **vi)** any weed or potential weed species;
  - f seven (7 No.) trees to be installed along western boundary; and;
  - g any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.

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

- 20 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 21 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 Principal Certifier prior to release of the Construction Certificate.

## 22 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, eighteen (18 No.) 100 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Corymbia costata* Smooth barked Apple, *Elaeocarpus reticulatus* Blueberry ash, or *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

## 23 **Tree Protection Measures**

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 Principal Certifying Authority prior to release of the Construction Certificate.
- b 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.
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifying Authority indicating required tree protection fencing is required, prior to the release of the Construction

## 24 **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 1m to the Principal Certifier 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.

25 **Acid Sulfate Soils Management Strategy**

An Acid Sulfate Soils Management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifier, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a NATA registered laboratory. This strategy shall address the following aspects:

- a Specific mitigative measures to minimise the disturbance of acid sulfate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- b Management of the excavated material;
- c Measures taken to neutralise the acidity; and
- d Run-off control measures.

The recommendations of the strategy shall be completed, prior to the commencement of building works.

26 **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.

27 **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](mailto: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.

28 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development are three (3 No.) *Melaleuca quinquenervia* Broad leaved paperbark 200 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street 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. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

29 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier 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 stormwater layout plan lodged for development approval, prepared by Indesco, Project No. ISC00140-DA, Drawing No. C110, Revision P2 dated 16 December 2019.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the watercourse channel within the adjoining land (Lot 545 DP 831486) via the easement to drain water benefiting the subject site.
- 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.

30 **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 removed 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. Details and locations are to be shown on the Construction Certificate Plans.

31 **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 \$74,620.00 (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:

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

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<br>(Full payment only)   | <a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a><br>Your Payment Reference: 1189299 | <ul style="list-style-type: none"><li>• Credit Card</li></ul>                                      |
| In Person   | Wollongong City Council<br>Administration Building - Customer Service Centre<br>Ground Floor 41 Burelli Street, WOLLONGONG                                 | <ul style="list-style-type: none"><li>• Cash</li><li>• Credit Card</li><li>• Bank Cheque</li></ul> |
| PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council<br>(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](http://www.wollongong.nsw.gov.au)

#### **Prior to the Commencement of Works**

##### **32 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 Principal Certifier 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.

##### **33 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.

##### **34 Enclosure of the Site**

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

35 **Demolition Works**

Demolition shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

36 **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

37 **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.

38 **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

39 **Tree Protection Implementation**

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 m cyclone chainmesh fence, with posts and portable concrete footings;
- b 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;
- c irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

40 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

41 **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.

42 **Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

43 **Tree Protection**

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

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

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

**During Demolition, Excavation or Construction**

44 **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

45 **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.

46 **Prohibition of any Encroachment into Drainage Easement**

No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

47 **Copy of Consent to be in Possession of Person carrying out Tree Removal**

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.

48 **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 Principal Certifier and Council. No work is permitted on public holidays or Sundays.

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.

49 **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> >).

50 **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 type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

51 **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.

52 **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.

53 **Provision of Taps/Irrigation System**

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

**Prior to the Issue of the Occupation Certificate**

54 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier 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 Principal Certifier.

55 **Drainage and Earthworks WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and earthworks has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

**Operational Phases of the Development/Use of the Site**

56 **Restricted Delivery Hours**

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

57     **Noise Restrictions on Industrial Development**

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

58     **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.

59     **Restricted Hours of Operation**

The self-storage facility is permitted to operate 24 hours.

**Reasons**

The reasons for the imposition of the conditions are:

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

**Notes**

- 1       In accordance with clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 this notice of consent has no endorsement date. Once the Council is satisfied that the matters specified in condition number (i) have been complied with a notice will be issued giving the date from which this consent will operate.
- 2       The consent will lapse unless Council is satisfied in relation to the matters identified in the deferred commencement condition within the time period stipulated. Where the consent becomes operational, it must be commenced within five (5) years from the date referred to in (1) above.
- 3       Section 8.7 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.
- 4       The holder of a development consent must also hold a current Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
- 5       Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifier.
- 6       A Tree Management Permit Policy has been proclaimed in the City of Wollongong. Under this policy, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or has any part of a trunk located within three (3) metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifier appointed.
- 7       In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.
- 8       Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent. For wildlife rescue assistance, you must call the Wildlife Rescue Line 1300 094 737 (13 000 WIRES) or visit their website [www.wires.org.au](http://www.wires.org.au) for more information.

- 9 Before undertaking renovation or demolition work, or removing materials from site during development works refer to Council's website for further information:

<http://www.wollongong.nsw.gov.au/development/regulations/Pages/Renovations-Demolition.aspx>

<http://www.wollongong.nsw.gov.au/services/household/Pages/chemicalcleanout.aspx>

10 **Prolonged Rainfall Events**

The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

This letter is authorised by:

**Nigel Lamb**

Senior Development Project Officer

Wollongong City Council

Telephone (02) 4227 7111

enc



26/3/2020

Wollongong City Council  
Uploaded to the Planning Portal – CNR - 3517

Attention: Development Assessment

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA2019/1464**

**Description: Controlled Activity - Works on Waterfront land**

**Location: 9-11 Pioneer Drive WOONONA, NSW**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

**The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.**

A completed application form must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



**For Alison Collaros**  
**Manager Licensing & Approvals**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**



|                            |                                |
|----------------------------|--------------------------------|
| Reference Number:          | IDAS1123300                    |
| Issue date of GTA:         | 26/3/2020                      |
| Type of Approval:          | Controlled Activity            |
| Location of work/activity: | 9-11 Pioneer Drive WOONONA NSW |
| DA Number:                 | DA2019/1464                    |
| LGA:                       | Wollongong City Council        |

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

| Condition Number                       | Details  |
|--|--|
| <b>Design of works and structures</b>  |  |
| GT0009                                 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.   |
| <b>Erosion and sediment controls</b>   |  |
| GT0006                                 | The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.  |
| GT0014                                 | A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.  |
| GT0021                                 | The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.   |
| <b>Plans, standards and guidelines</b> |  |
| GT0002                                 | A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required. |
| GT0023                                 | <b>Rehabilitation and maintenance</b><br><i>Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).</i>   |