

# Wollongong Local Planning Panel Assessment Report | 28 April 2020

<b>WLPP No.</b>	Item No.2
<b>DA No.</b>	DA-2019/1092
<b>Proposal</b>	Business premises - fit out and use of premises as part small business centre, part medical centre and off-site carparking (Rawson Street) via a Voluntary Planning Agreement offer.
<b>Property</b>	Lot 103 DP 1089677 741 Lawrence Hargrave Drive, COLEDALE NSW 2515 and road reserve at eastern end of Rawson Street, Coledale.
<b>Applicant</b>	Plannex Environmental Planning
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (JP)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

#### Reason for consideration by Local Planning Panel

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. Under Schedule 2 (2)(b) Contentious Development of Local Planning Panels Direction of 1 March 2018 as it is the subject of 10 or more unique submissions by way of objection. The proposal is also referred as Sensitive Development Under Schedule 2 (4)(f) as the developer has offered to enter into a planning agreement.

#### Proposal

The proposal is for fit out and use of premises as part small business centre, part medical centre and off-site carparking (Rawson Street) via a Voluntary Planning Agreement offer.

#### Permissibility

The Lawrence Hargrave Drive site is zoned B1 Neighbourhood Centre pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as a business premises and a medical centre, both of which are permissible in the zone with development consent. The proposed car park within the existing road reserve of Rawson Street zoned E4 Environmental Living is also considered permissible development with development consent.

#### Consultation

The application was exhibited in accordance with Council's Community Participation Plan 2019. The application has been notified twice as follows:

- First notification period 18 October 2019 to 6 November 2019
  - o 2 unique submissions were received in support, and 4 unique submissions against the proposal.
- A second notification period was 4 December to 18 December 2019, which clarified that the Rawson Street road reserve was intended to be used for car parking.
  - o 37 objections
  - o 4 in support
  - o one withdrawal of objection

The submissions are discussed at section 1.4 of the assessment report.

#### Internal referrals

Council's Stormwater, Traffic, Property, Recreation, Environment, Health, and Safer Communities Action Team officers have reviewed the application and given satisfactory referral advice. Conditions of consent were

recommended. Council's Strategic Planning officers have reviewed the application and provided unsatisfactory referral advice as relates to the proposed VPA.

#### **External referrals**

None required.

#### **Main Issues**

The proposal has a parking shortfall of 7 on-site car parking spaces that relies on Council's consent to a Voluntary Planning Agreement (VPA) process in order to progress. In this instance, Council does not agree to progress the VPA as proposed as the Applicant has not demonstrated that the proposal is consistent with Wollongong City Council's *Planning Agreement Policy 2018* and justification in accordance with the Explanatory Note as required under clause 25E of the *Environmental Planning & Assessment Regulation 2000* cannot be met. No other information was received that addresses this parking shortfall.

#### **RECOMMENDATION**

It is recommended that the application be **Refused**.

## APPLICATION OVERVIEW

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### 1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises fit out and use for the following:

#### Small business centre

- Two (2) offices, a meeting room/general workspace, a reception area, staff kitchenette and accessible WC.

- Proposed hours of operation are:

Monday to Friday ..... 8.00am to 6.00pm

Public holidays, Saturday and Sunday ..... Closed

#### Medical centre

- Three (3) consulting rooms, a treatment room, a practice manager's office, a reception and waiting area and accessible WC.

- Three (3) full-time equivalent doctors, and up to three (3) support staff.

- Proposed hours of operation are:

Monday to Friday ..... 7.00am to 8.00pm

Saturday and Sunday ..... 8.00am to midday

Public holidays ..... Closed

The proposal includes the offer of a Voluntary Planning Agreement to formalise parking for 7 car parking spaces in the road reserve at the eastern end of Rawson Street to offset a 7-space on-site carparking shortfall.

### 1.2 BACKGROUND

Council files record the following development history:

Application Number	Description	Decision	Decision Date
PL-2017/66	Shoptop housing/mixed use	Completed	30-Jun-2017
DA-2017/1533	Shop top housing - demolition of existing dwelling house and construction of a mixed use development consisting of two (2) commercial suites with two (2) dwellings above	Approved	24-May-2018
PC-2018/1573	Mixed Use Development	Approved	05-Oct-2018
PL-2019/2	Use of Building for Medical Centre	Completed	14-Feb-2019

A pre-lodgement meeting (PL-2019/2) was held for the proposal.

#### Customer service actions

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

### 1.3 SITE DESCRIPTION

The site of the proposed development is at Lot 103 DP 1089677, 741 - 743 Lawrence Hargrave Drive, COLEDALE NSW. The site is regular in shape with relatively gentle fall to the rear terminating at Hyde Lane. The site currently contains a two-storey mixed use development. To the north is located a single storey dwelling which was previously converted from a community library and the Coledale RSL Club beyond. To the east, beyond Hyde Lane, is located low density residential housing of one and two storeys and the coastline. To the south is the Coledale community hall with the village centre beyond. To the west, beyond Lawrence Hargrave Drive, are a number of commercial developments with low density residential beyond in the form of townhouses and one/two storey dwellings.

The site of the proposed car parking is located at the eastern end of Rawson Street. It is a flat clear site within the existing road reserve, currently used for informally for parking. The site is adjacent to Coledale Public School to the north and residential development to the south and west.

#### Property constraints – subject site

- Unstable
- Acid sulphate soils (class 5)
- road widening proposals

There are no restrictions on the title that preclude assessment of the application.

#### Property constraints – car park site

- Coastal zone study – geotechnical risk
- Acid sulphate soils (class 5)

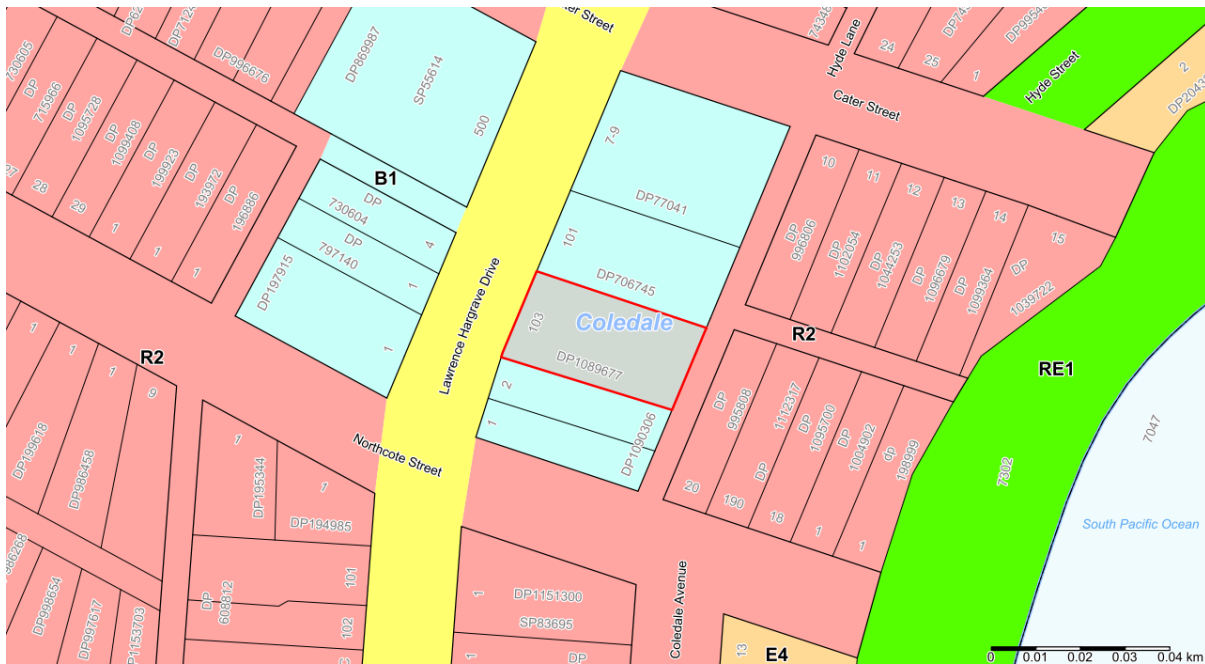


Proposed business premises/medical centre site (new building not shown)



Proposed car park location in relation to subject site

**Figure 1: Aerial photographs**



Proposed business premises/medical centre site



Proposed car park location in relation to subject site

**Figure 2: WLEP 2009 zoning maps**

#### 1.4 SUBMISSIONS

The application was exhibited in accordance with Council's Community Participation Plan 2019. The application has been notified twice:

- First notification period 18 October 2019 to 6 November 2019
  - o 2 unique submissions were received in support, and 4 unique submissions against the proposal.

- A second notification period was 4 December to 18 December 2019, which clarified that the Rawson Street road reserve was intended to be used for car parking.
  - o 37 Objections
  - o 4 In Support
  - o One withdrawal of objection

The issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
1. Inhibiting beach access due to car park	The proposed car park will not obstruct existing access to the beach.
2. Adverse effects of increased traffic	<p>The proposed traffic generation would be relatively low, and hardly noticeable on the local road network. It is the responsibility of all drivers to take appropriate care when driving on public roads, obeying speed limits, slowing down for children and observing the NSW Road Rules.</p> <p>A traffic impact assessment (TIA) has been undertaken and assessed by Council's Traffic Engineer. The TIA found that the entire development (including the residential dwellings and small business centre) would generate up to 16 trips in the AM peak hour, with 12 of these trips associated with the proposed medical centre use. This equates to approximately 1 peak hour vehicle trip every 5 minutes (in and out).</p> <p>The development would generate up to 14 trips in the PM peak hour of which 10 would be associated with the medical centre. This equates to roughly 1 peak hour vehicle trip every 6 minutes (in and out).</p> <p>On the weekend the trip generation would be 7 trips in the lunchtime peak. This equates to roughly 1 peak hour vehicle trip every 8 minutes (in and out).</p> <p>These traffic flows are considered to be relatively low.</p> <p>In addition, the intersection assessment carried out by Motion Traffic Engineers found that intersections would continue to operate with good levels of service (LoS A). Based on the above, the additional traffic would be negligible on the local road network and would be unlikely to result in any significant traffic capacity or safety concerns.</p> <p>The site is within 220 metres walking distance from the rear of the site on Hyde Lane.</p> <p>The site is within 250 metres walking distance from the front of the site on Lawrence Hargrave Drive.</p>

Concern	Comment
	<p>Whilst the applicant has proposed sufficient car parking (on and off site) which meets the DCP requirements, the proposal is reliant on Council's consent to a Voluntary Planning Agreement, which Council has not agreed to.</p> <p>The provision of a medical centre in Coledale would reduce the need for many residents to drive out of town (e.g. to Thirroul) to see a doctor. This would have a positive impact on traffic flow in the area, reducing the number of local people travelling on Lawrence Hargrave Drive for medical purposes.</p> <p>A key Transport Planning principle for reducing vehicle kilometres travelled (VKT) is to provide a sufficient number of shops and essential services within local communities. Isolated communities are less sustainable and result in far higher VKT. Additional medical services within Coledale could be supported by this principle.</p> <p>In addition, the provision of 7 public car parking spaces in Rawson Street could provide an alternative parking area for visitors to the cafes, retail premises, rock pool etc which will assist in offsetting any additional parking demands from the development.</p>
<p>3. Existing traffic and parking issues within Coledale, in particular on Lawrence Hargrave Drive</p>	<p>Perceptions of traffic are largely subjective, and it would be unreasonable to require all developments to address problems with existing traffic situations, especially when the developments themselves comply with the relevant controls. In this case the applicant has proposed sufficient car parking (on and off site) which meets the DCP requirements.</p> <p>The provision of a medical centre in Coledale would reduce the need for many residents to drive out of town (e.g. to Thirroul) to see a doctor. This would have a positive impact on traffic flow in the area, reducing the number of local people travelling on Lawrence Hargrave Drive for medical purposes.</p> <p>A key Transport Planning principle for reducing vehicle kilometres travelled (VKT) is to provide a sufficient number of shops and essential services within local communities. Isolated communities are less sustainable and result in far higher VKT. Additional medical services within Coledale would be supported by this principle.</p> <p>In addition, the provision of 7 public car parking spaces in Rawson Street will provide an alternative parking area for visitors to the cafes, retail premises, rock pool etc which will assist in off-setting any additional parking demands from the development.</p>

Concern	Comment
4. Medical centres and annexes are not permitted within 150 metres of childcare facilities	The wording of the DCP states that <i>“Child care centres are prohibited within a 150 metre radius of any existing or approved medical clinic or facility providing drug treatment and / or drug counselling services”</i> . While this is a consideration in the siting of new childcare centres it is not a consideration when assessing a new medical centre. In addition, there is no indication that this centre is intended for drug treatment and/ or drug counselling services, but a condition could be placed on the consent.
5. There is currently no footpath from the proposed carpark to the medical centre and vice versa, so the safety of their clients is compromised should this be approved	The proposed car park is not designated specifically for the medical centre. The car parking is proposed as public car parking which could increase the balance of public parking in the local area, thereby alleviating any potential area-wide parking impacts.
6. Many young children use this space (car park)	The area is road reserve.
7. Wildlife use this area.	The area is road reserve. Note that no tree removal is proposed as part of this application. Conditions of consent could be applied to any consent issued requiring the relocation of any ground dwelling wildlife.
8. Land is within Foreshore Building Line (car park)	The site is in existing road reserve.
9. Zoning prohibits carpark	The site is in the existing road reserve zoned E4 Environmental Living, within which roads and car parking are considered permissible development.
10. The car parking area would obscure the view of the beach	The area identified for formalised on-street parking is road reserve and as such is suitable for this purpose. This area is currently used informally, therefore the development is unlikely to materially increase the visual impact.
11. Concerns over existing street signage which needs replacing or upgrading in the locality.	This is a general traffic matter which needs to be dealt with outside of the DA process by contacting the Strategic Traffic Unit to address any concerns via the Local Traffic Committee process.
12. Concerns that the proposed public car parking in Rawson Street will be for the medical centre only.	The car parking is proposed as public car parking which could increase the balance of public parking in the local area, thereby alleviating any potential area-wide parking impacts.
13. Concerns over disability access to the proposed medical centre.	It is the responsibility of the applicant to comply with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility should be referred to for specific design and construction requirements in order to provide appropriate access for all persons within the building.

Concern	Comment
	Condition 5 of the consent for the original structure (DA-2017/1533) refers to disability access requirements.
14. A request that the main access to the medical centre should be from Lawrence Hargrave Drive	<p>The use of the rear car parking area has been approved under DA-2017/1533 (Shop top housing - demolition of existing dwelling house and construction of a mixed-use development consisting of two (2) commercial suites with two (2) dwellings above).</p> <p>Notwithstanding, it should be noted that the TIA found that the development traffic generation would be relatively low.</p> <p>Council's Traffic Section considers that the development would mainly attract foot traffic from Lawrence Hargrave Drive (people living in the area or combining their trip to the medical centre with a visit to cafes and retail premises).</p> <p>Those vehicles that travel to the site from Hyde lane must take appropriate care, observing the speed limit and looking out for pedestrians as per the road rules. It should also be noted that Hyde Lane is not wide enough to accommodate car parking (No Parking Signs in place) and drivers choosing this option risk receiving infringement notices from Rangers.</p>

## 1.5 CONSULTATION

### 1.5.1 INTERNAL CONSULTATION

Council's Stormwater, Traffic, Property, Recreation, Environment, Health, and Safer Communities Action Team officers have reviewed the application and given satisfactory referral advice. Conditions of consent were recommended. Council's Strategic Planning officers have reviewed the application and provided unsatisfactory referral advice as relates to the proposed VPA.

### 1.5.2 EXTERNAL CONSULTATION

None required.

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

#### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

A review of the SEPP's mapping extents identifies both the subject site and the car parking site as being located within both the Coastal Environment and Coastal Use areas.

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

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

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) coastal environmental values and natural coastal processes,*
  - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

#### **Comment:**

Minimal adverse impact on the coastal environment areas is anticipated as a result of the proposed development.

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

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

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

*(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*

*(iv) Aboriginal cultural heritage, practices and places,*

*(v) cultural and built environment heritage, and*

*(b) is satisfied that:*

*(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

*(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

*(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

*(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

Minimal adverse impact on the coastal use areas is anticipated as a result of the proposed development.

**Division 5 General**

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

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

Comment:

No increased risk of coastal hazards is anticipated on the subject site, the carpark site, or other land.

16 Development in coastal zone generally—coastal management programs to be considered

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

Comment:

A certified coastal management program does apply to both sites – see below.

17 Other development controls not affected

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

*(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*

*(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment:

Proposed development is considered permissible on each site respectively.

18 Hierarchy of development controls if overlapping

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment:

Noted. The hierarchy above has been considered in this assessment.

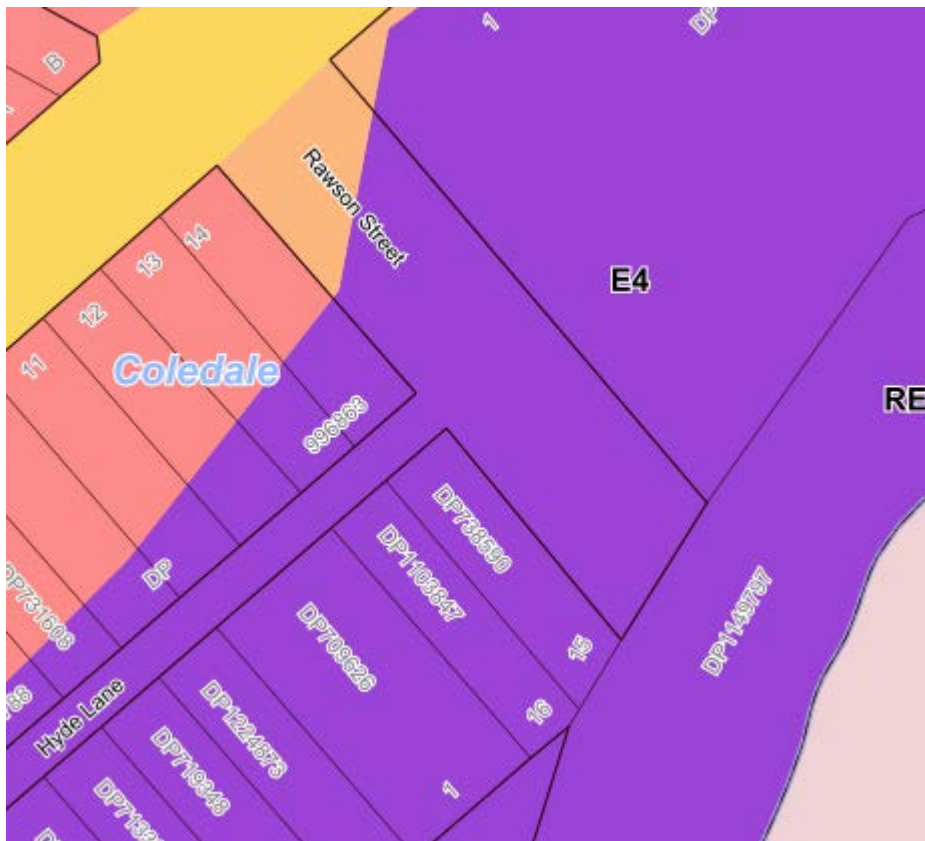
**NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan**

On 30 October 2017, Council endorsed the final draft of the Wollongong Coastal Zone Management Plan for resubmission to the NSW Minister for Environment for certification. The draft Plan was certified on 20 December 2017.

At the Council meeting of 19 February 2018, Council resolved that the certified final draft be adopted. Council's Notice was published in the NSW Gazette No 25 of 9 March 2018 and a community briefing on the implications arising from Council adopting and gazetting the plan have been undertaken.

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 31 December 2021.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the car park site and is impacted coastal geotechnical risk, however discussions with Council's Geotechnical officer revealed no objections were raised to the siting of the proposed car park and no specific conditions were requested beyond the need for structural engineering advice.



### Figure3 Coastal Geotechnical risk

Minimal adverse impact on the coastal environment is anticipated as a result of the proposed carpark.

Minimal adverse impacts on the proposed carpark are expected as a result of coastal processes

The proposed carpark is therefore considered satisfactory with regard to the objects of the Act outlined in clause 3 and the matters outlined for consideration.

## 2.1.2 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.

Council records do not indicate any historic use that would contribute to the contamination of the sites and the land is not identified as being contaminated on Council's mapping system. There are limited earthworks proposed in relation to the car park. No concerns are raised by Council's Environment Officer with regard to contamination as relates to the intended use of the land and the requirements of clause 7. A condition could be imposed on the carpark site as relates to an unexpected finds protocol.

### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

**business premises** means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

#### **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 B1 Neighbourhood Centre. The carpark is within E4 zoning, but also falls within the existing road reserve.

##### Clause 2.3 – Zone objectives and land use table B1

The objectives of the zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.*

The proposal is satisfactory with regard to the above objectives. The proposal is, however, unable to provide sufficient onsite car parking.

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

*Advertising structures; Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; **Business premises**; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Home-based child care; Hotel or motel accommodation; Information and education facilities; **Medical centres**; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Seniors housing; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals*

The proposal is categorised as a **business premises** and a **medical centre** as defined above and is permissible in the zone with development consent

##### Clause 2.3 – Zone objectives and land use table E4

The objectives of the zone are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

- *To ensure that residential development does not have an adverse effect on those values.*

The proposed car park within the existing road reserve whilst not specifically aligning with the zone objectives is not considered to be inconsistent with them.

The land use table permits the following uses in the zone

Bed and breakfast accommodation; Business identification signs; Community facilities; Dwelling houses; Environmental facilities; Environmental protection works; Home-based child care; Oyster aquaculture; Pond-based aquaculture; Recreation areas; **Roads**; Secondary dwellings; Tank-based aquaculture.

The proposed car park within the existing road reserve is considered permissible in the zone with development consent being part of the road.

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

##### Clause 4.3 Height of buildings

The proposal does not alter the existing building height.

##### Clause 4.4 Floor space ratio

The proposal does not comprise any additional gross floor area.

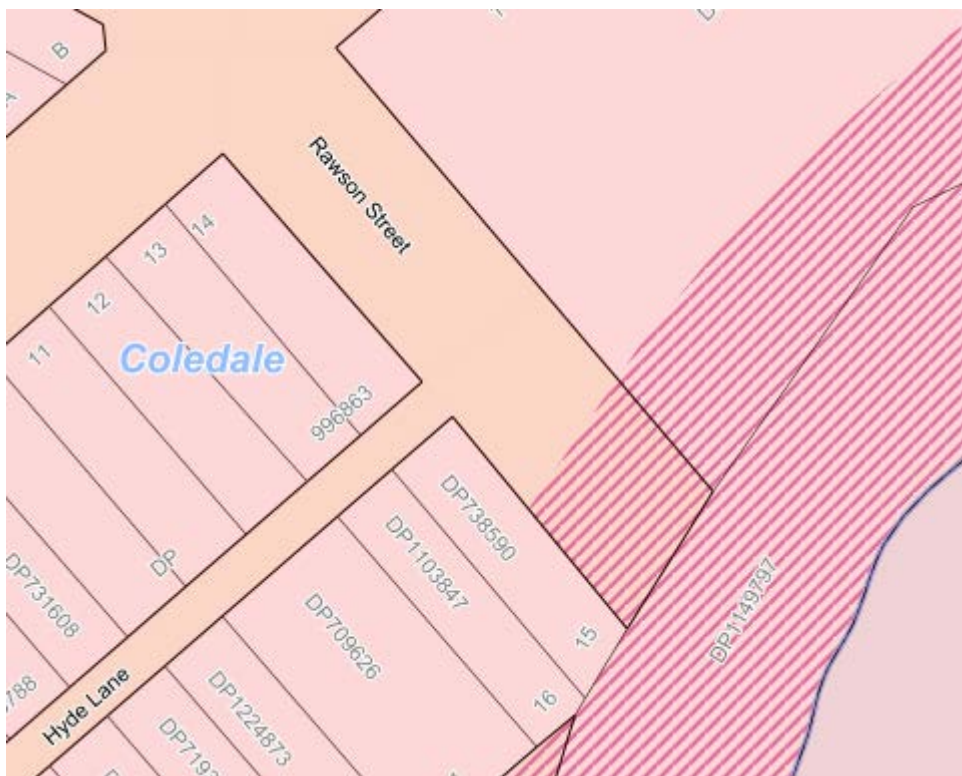
#### **Part 7 Local provisions – general**

##### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewerage.

##### Clause 7.7 Foreshore building line

The proposed car park is located within the foreshore building line, however this is existing road reserve, and a carpark is considered permissible development.



**Figure 4 Foreshore Building line**

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

No proposed instruments are relevant to the proposal.

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

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

#### **CHAPTER A1 – INTRODUCTION**

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

See Chapter E3.

#### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

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

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

#### **CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES**

The development is located in a business zone and as such this chapter is applicable to the development. The proposal is for use (business premises and medical centre), and as such the controls of this Chapter have limited relevance. Nevertheless, the proposal is broadly consistent with the Objectives and Controls of this Chapter, except in relation to car parking (see Chapter E3 below).

#### **CHAPTER C1 – ADVERTISING AND SIGNAGE**

Signage does not form part of the subject application. Any consent issued would normally contain the following condition with regard to signage:

##### ***Separate Consent Required for Advertising Signage***

*This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.*

*Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.*

#### **CHAPTER D1 – CHARACTER STATEMENTS**

##### Coledale

Notwithstanding the parking shortfall, the proposed business/medical centre is consistent with the neighbourhood centre of Coledale and could be considered to align with the character statement.

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

The main parts of the BCA which relate to access, mobility and the provision of sanitary facilities for people with a disability are:

- Part D3 Access and Egress for People with Disabilities;
- Part E Lift Installations; and
- Part F Sanitary Facilities for People with Disabilities.

Conditions could be recommended reinforcing compliance with the *Disability Discrimination Act 1992*, the National Construction Code (NCC), BCA and relevant Australian Standards in regard to disabled access

provisions. The onsite car parking includes a disabled space and access to the business premises was considered under DA-2017/1533.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The application was referred to Council's Community Safety Officer and found to be satisfactory. Appropriate conditions could be provided to ensure adequate lighting for the Rawson Street car park.

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

The parking rates required by this Chapter are shown as follows:

Component	Parking Rate	Proposal	Required Parking
Residential Units	2 spaces per dwelling >110m <sup>2</sup>	2 dwellings @ >110m <sup>2</sup>	4
Residential Visitors	0.2 spaces per dwelling	2 dwellings	0.4
Small Business Centre	1 space per 40m <sup>2</sup> GFA	95.6m <sup>2</sup>	2.4
Medical Centre Consulting Rooms	4 spaces per consulting room	3 consulting rooms	12
Medical Centre Support Staff	1 space per 3 staff	Up to 3 staff	1
TOTAL			19.8

**Figure 3: Excerpt from Applicant's *Statement of Environmental Effects* by Plannex Environmental Planning dated September 2019**

*Clause 7.4 of Chapter E3 of the DCP states that Council has the discretion to waive the minimum number of spaces required for a particular site if the reduced provision can be justified by an accompanying Car Parking and Traffic Impact Assessment Study.*

*The following reductions can be achieved:*

- 10% reduction if bus stops are within 400 metres of the site (measured along an existing footpath)
- 20% reduction if a railway station is within 800 metres of the site (measured along an existing footpath)
- 10% reduction if there is a public car park with greater than 50 spaces are within 400 metres of the site (measured along an existing footpath)

*Note: A maximum parking reduction of 30% can be achieved for non-residential components of the development.*

*The subject site is located within 400m of bus stops along Lawrence Hargrave Drive. The subject site is also located within 800m of Coledale Railway Station. Accordingly, a total maximum discount of 30% may be applied to the on-site car parking requirements for the small business centre and medical centre (not the residential component). Applying this discount, 10.8 spaces are required for the commercial component reducing the required on-site car parking total to 15.2 (that is, 16) spaces. Nine (9) spaces are available onsite,*

*the commercial component falls seven (7) spaces short of meeting the on-site car parking requirements of Chapter E3.*

To address this parking shortfall, the applicant has proposed a Voluntary Planning Agreement in order to construct a 7-space car park on Council land at the end of Rawson Street. Council's Traffic Engineer has reviewed the application submission and is satisfied with access and parking requirements for residences, commercial suites and delivery and waste vehicles, subject to Council's acceptance of the applicant's offer of a VPA to off-set the parking shortfall. Council's City Strategy section, however, did not find sufficient grounds to progress the Voluntary Planning Agreement offer (see section 2.4 below).

#### **CHAPTER E7: WASTE MANAGEMENT**

There is no demolition.

Suitable waste storage and servicing arrangements have been provided.

#### **CHAPTER E12: GEOTECHNICAL ASSESSMENT OF SLOPE INSTABILITY**

Land instability for the subject site was addressed under the previous DA-2017/1533. In relation to the proposed carpark site being subject to coastal geotechnical risk, the matter was discussed with Council's geotechnical officer during the assessment. No objections were raised to the siting of the proposed car park and no formal referral was required. No specific conditions were requested beyond sound engineering design principles.

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

Council's Stormwater Engineer has reviewed the application with regards to Chapter E14 and is satisfied subject to conditions.

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

Limited earthworks are associated with the proposed car parking at the end of Rawson Street.

## 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

### **Part A - Schedules**

#### **1. Schedule 1 – City-Wide levy rates**

In accordance with clause 25K(1)(a) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the rate of the levy for development carried out on land to which this Plan applies (excluding Wollongong City Centre Commercial Core - see Schedule 2) is calculated as follows:

<b>Proposed cost of carrying out development (Determined in accordance with Clause 18 of this Plan)</b>	<b>Levy Rate</b>
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

#### **2. Schedule 2 - Wollongong City Centre Commercial Core levy rates**

In accordance with clause 25K(1)(b) of the EP&A Regulation, the rate of the levy for development carried out on land within the B3 Commercial Core zone in the Wollongong City Centre, as shown at Figure 2, is calculated as follows:

<b>Proposed cost of carrying out development (Determined in accordance with Clause 18 of this Plan)</b>	<b>Levy Rate</b>
Up to and including \$250,000	Nil
More than \$250,000	2%

The estimated cost of works is \$120,000 and a levy of 0.5% 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**

The application relies upon a request for voluntary planning agreement to resolve a parking shortfall (see Chapter E3 above).

The following advice is provided by Council's City Strategy section.

### **WCC Planning Agreement Policy 2018**

#### **2.1 Matters that Council Will Consider in Negotiations**

- i Whether the planning agreement(s) contributes to meeting the demands created by the development for new public infrastructure, amenities and services.*

The critical factor to resolve is whether the offsite car parking is required to meet the shortfall of the development as proposed, or whether the offsite car park provides broader public benefit for necessary car parking infrastructure for the Coledale Village area.

The proponent and Council's traffic engineers identify that the formalisation of an off-site car park area will resolve car parking demands of the development that cannot be met on site. It is intended that the car park will free up on street car parking to cater to the development's parking demands.

There is no evidence by way of a parking study that supports a recommendation that a public car park is required to support the long term demands for parking in the Coledale Village/ area.

The proposal intends to deliver the exact number of car parking spaces to meet the demands of the subject development (i.e. the shortfall of on-site car parking required by WDCP). There is no capacity to deliver additional parking spaces on this site. Therefore, this outcome caters only to the subject development and not broader public infrastructure.

The application does not provide any evidence of the nexus between the development and demands on public infrastructure in the form of car parking. As only the shortfall is being provided, a broader public benefit has not been demonstrated by the applicant.

As the car parking as proposed by the Planning Agreement is specifically meeting the demands of (and to facilitate) the development, and there is no demonstrated nexus, Matter 2.1(i) is not satisfied.

*ii Does the proposal from the developer meet the planning objectives of Council?*

A car parking objective for the Coledale village centre has not been defined.

*iv Whether rectification of an existing deficiency in the provision of public facilities in Council's area is proposed*

A car parking objective for the Coledale village centre, and therefore any car parking shortfall, has not been defined. Further, the application does not propose this.

*v Whether the proposed works have already been identified through Councils infrastructure planning.*

The proposed works have not been identified through Council's infrastructure planning.

The site (zoned road reserve) is currently utilised as an informal car park, however there are no plans for the site. That is, the highest and best use, whether that is a formalised car parking or open space embellishment for example, has not been determined.

The second round of neighbourhood notification included adjoining property owners of the Council owned lands. Several objections were received. It is noted that broader public consultation about the best use of the council owned land has not been carried out with the broader Coledale area. Limited internal comments were provided.

*viii Whether planning benefits for the wider community accrue from the planning agreement.*

The site is currently used as an informal car park. The formalisation of the car park may result in additional capacity. It appears that the proposed Planning Agreement responds to an onsite car parking requirement of the development application, and that as only the shortfall is being provided, a broader public benefit has not been demonstrated by the applicant. On the contrary, formalising the site as a car park may remove a community benefit, being the use of what may be perceived to be open space land.

**Recommendation**

Based on the above considerations, it is considered that there is no justified nexus demonstrated by the proposal to provide off site car parking in support of a change of use application at Coledale Village. In summary:

- The need for a car park to support the growth of Coledale Village is not documented in an endorsed Council Strategy.
- The applicant has not submitted a parking study to identify the nexus for car parking in Coledale Village.

- The car park location is deemed to be disconnected from the town centre and too distant from the site to effectively function as a Coledale Village car park.
- The proposed off-site car park provision will only cater for the car parking shortfall of the proposed change of use DA without scope to cater for parking demands for other developments within the Village.

Based on these points, justification in accordance with the Explanatory Note as required under clause 25E of the *Environmental Planning & Assessment Regulation 2000* cannot be met and we recommend that Council does not proceed with Planning Agreement negotiations.

For convenience, clause 25E of *Environmental Planning & Assessment Regulation 2000* is as follows:

### **25E Explanatory note**

*(1) A planning authority proposing to enter into a planning agreement, or an agreement that revokes or amends a planning agreement, must prepare a written statement (referred to in this Division as an **explanatory note**)—*

*(a) that summarises the objectives, nature and effect of the proposed agreement, amendment or revocation, and*

*(b) that contains an assessment of the merits of the proposed agreement, amendment or revocation, including the impact (positive or negative) on the public or any relevant section of the public.*

*(2) Without limiting subclause (1), an explanatory note must—*

*(a) identify how the agreement, amendment or revocation promotes the public interest and one or more of the objects of the Act, and*

*(b) if the planning authority is a development corporation, identify how the agreement, amendment or revocation promotes one or more of its responsibilities under the Growth Centres (Development Corporations) Act 1974, and*

*(c) if the planning authority is a public authority constituted by or under an Act, identify how the planning agreement, amendment or revocation promotes one or more of the objects (if any) of the Act by or under which it is constituted, and*

*(d) if the planning authority is a council, identify how the agreement, amendment or revocation promotes one or more of the elements of the council's charter under section 8 of the Local Government Act 1993, and*

*(e) identify a planning purpose or purposes served by the agreement, amendment or revocation, and contain an assessment of whether the agreement, amendment or revocation provides for a reasonable means of achieving that purpose, and*

*(f) identify whether the agreement, amendment or revocation conforms with the planning authority's capital works program (if any), and*

*(g) state whether the agreement, amendment or revocation specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.*

*(3) The explanatory note is to be prepared jointly with the other parties proposing to enter into the planning agreement.*

*(4) However, if 2 or more planning authorities propose to enter into a planning agreement, an explanatory note may include separate assessments prepared by the planning authorities in relation to matters affecting only one of the planning authorities, or affecting those planning authorities in a different manner.*

(5) A copy of the explanatory note must be exhibited with the copy of the proposed agreement, amendment or revocation when it is made available for inspection by the public in accordance with the Act.

(6) If a council is not a party to a planning agreement that applies to the area of the council, a copy of the explanatory note must be provided to the council when a copy of the agreement is provided to the council under section 7.5(4) of the Act.

(7) A planning agreement may provide that the explanatory note is not to be used to assist in construing the agreement.

## **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?

No demolition proposed.

93 Fire safety and other considerations

New building. Appropriate conditions could be applied to any consent issued.

94 Consent authority may require buildings to be upgraded

New building.

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

<u>Context and Setting:</u> While the proposal is considered to be generally consistent with the existing and desired future character of the Coledale area in terms of design, density and location, the applicant has not adequately addressed the parking shortfall.
<u>Access, Transport and Traffic:</u> The proposal does not adequately address a 7-space car parking shortfall. As such, the proposal has the potential to contribute to negative impacts in relation to parking in the locality. See further discussion regarding access and traffic matters at Chapter E3.
<u>Public Domain:</u> The proposal includes works in the public domain (car park) which are not supported, as they rely on public resources (i.e., Council land) for private gain, without sufficient justification as to the public benefit.
<u>Utilities:</u> The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are either adequate or can be reasonably augmented to service the proposal.
<u>Heritage:</u> No heritage items will be impacted by the proposal.
<u>Other land resources:</u>

Insufficient justification is provided for the use of Council's land resources by the Applicant for private benefit as relates to the proposed car park.
<p><u>Water:</u></p> <p>The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.</p>
<p><u>Soils:</u></p> <p>Council records indicate that the site contains acid sulphate soils. Conditions would normally be recommended in this regard. Council records do not indicate that the site is impacted by potential contamination from past land uses. The proposal is not expected to have an adverse impact on the soil characteristics of the site.</p>
<p><u>Air and Microclimate:</u></p> <p>The proposal is not expected to have a negative impact on air or microclimate.</p>
<p><u>Flora and Fauna:</u></p> <p>The proposal is not expected to have a negative impact on fauna.</p>
<p><u>Waste:</u></p> <p>Waste servicing collection arrangements have been reviewed by Council's Traffic Officer who has provided conditionally satisfactory referral advice.</p>
<p><u>Energy:</u></p> <p>The proposal is not envisaged to have unreasonable energy consumption. A BASIX certificate has been submitted for the proposed second floor dwelling which indicates that the proposal meets the objectives of the SEPP.</p>
<p><u>Noise and vibration:</u></p> <p>Noise impacts resulting from the proposed commercial tenancies will be minor as the lane is already utilised for a variety of different uses associated with the Community Centre and the RSL sub-branch. The proposed commercial uses will predominately operate during day-light hours consistent with other commercial uses located within Coledale Village.</p>
<p><u>Natural hazards:</u></p> <p>Council's land information records indicate that the subject site is unstable land affected. Council's Geotechnical Officer, has previously assessed the proposal against the requirements of Chapter E12 and no concerns were raised. The proposed car park is identified by Coastal Zone study information as subject to increased geotechnical risk as a result of future coastal processes. This matter was discussed with Council's Geotechnical Officer, who raised no concerns and no formal referral was required.</p>
<p><u>Technological hazards:</u></p> <p>There are no technological hazards that would prevent the proposal.</p>
<p><u>Safety, Security and Crime Prevention:</u></p> <p>It is considered that the proposal would not result in greater opportunities for criminal or antisocial behaviour.</p>

<p><u>Social Impact:</u></p> <p>While the business premises and medical centre have the potential to provide a positive social contribution, the parking shortfall has the potential to result in a negative social impact in the locality.</p>
<p><u>Economic Impact:</u></p> <p>While the business premises and medical centre have the potential to provide a positive economic contribution, the parking shortfall has the potential to result in a negative economic impact.</p>
<p><u>Site Design and Internal Design:</u></p> <p>The proposal does not result in any departures from WLEP 2009 development standards.</p> <p>The proposal requests a variation to WDCP 2009 in relation to car parking which is not supported in this instance as discussed at section 2.3.1 above, as it relies on a Voluntary Planning Agreement offer which does not demonstrate sufficient public benefit.</p>
<p><u>Construction:</u></p> <p>Conditions could be recommended in relation to construction impacts for hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.</p> <p>A condition could be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.</p>
<p><u>Cumulative Impacts:</u></p> <p>The proposal could result in negative cumulative impacts due to the parking shortfall.</p>

## **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; however insufficient parking has been provided onsite and this shortfall, proposed to be addressed by a Voluntary Planning Agreement, is not agreed to. The proposal may be reasonably expected to have a negative impacts on the amenity of the locality or adjoining developments, due to a lack of parking.

### Are the site attributes conducive to development?

There is insufficient space for parking on the site to accommodate the parking required for the proposal.

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

See section 1.4 above.

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

The application is reliant upon a Voluntary Planning Agreement with Council and may reasonably be expected to have adverse impacts on the environment or the amenity of the locality due to a shortfall in parking. It is considered inappropriate with consideration to the character of the area and is therefore considered not to be in the public interest.

## 2.10 CONCLUSION

This application has been assessed as unsatisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Whilst Council acknowledges the provision of medical services in Wollongong's northern suburbs could be expanded, matters relating to the shortfall of required carparking to service the subject development even after Development Control Plan parking waivers have been applied, an inability to satisfy prerequisite factors to progress a Voluntary Planning Agreement with Council and community impact concerns are threshold issues.

In this regard a revised proposal to reduce one of the consulting rooms supported by a localised carparking demand survey could provide the basis for a review request for a development that is less reliant upon on site carparking provision and more acceptable to both Council and the community.

## 3 RECOMMENDATION

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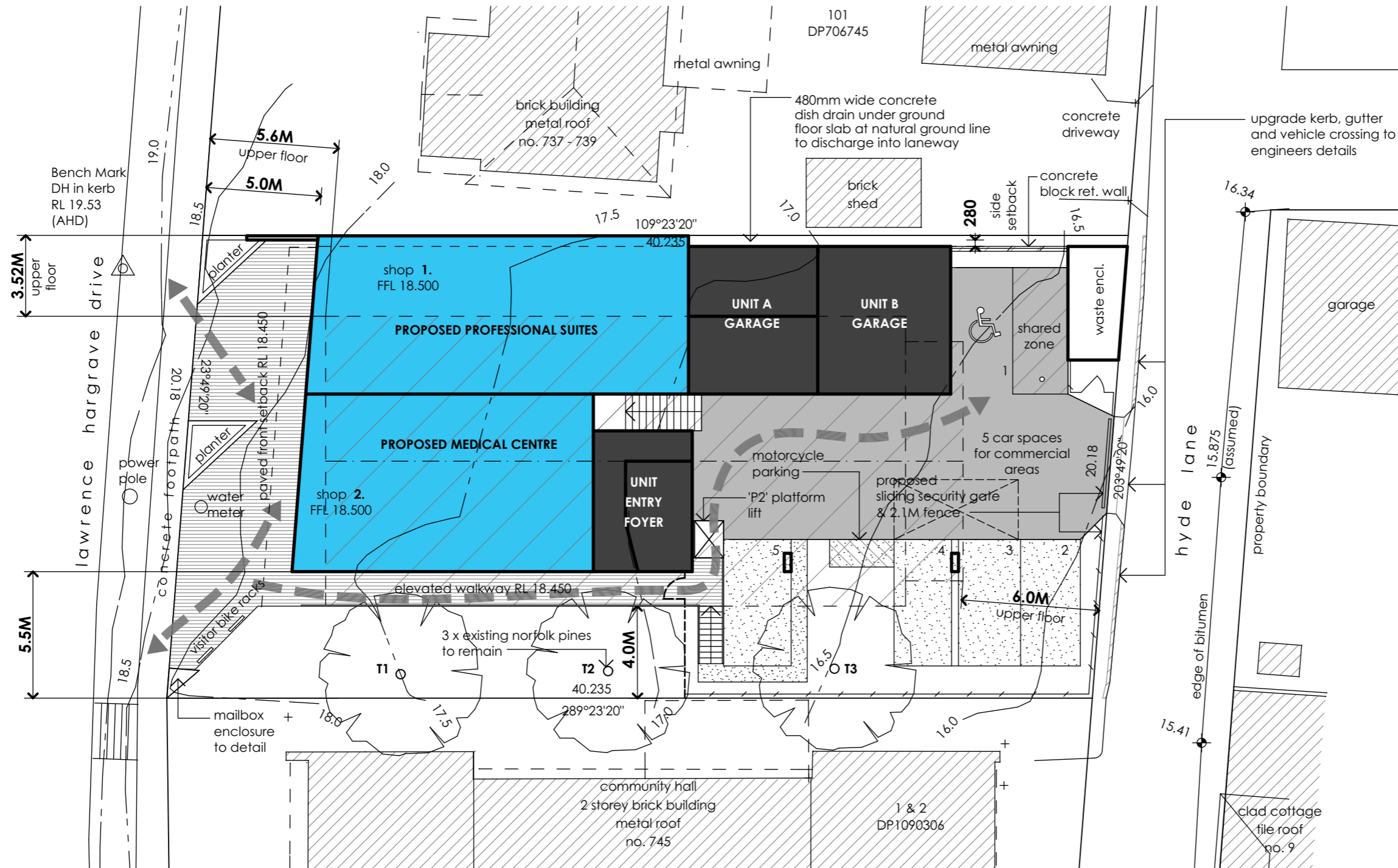
It is recommended that the development application be **Refused** for the following reasons:

1. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council's Development Control Plan 2009 with respect to Chapter E3 Car Parking, Access, Servicing/ Loading Facilities and Traffic Management.
2. Pursuant to the provisions of Section 4.15(1)(a)(iiia) and (iv) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal is not consistent with Wollongong City Council's *Planning Agreement Policy 2018* and justification in accordance with the Explanatory Note as required under clause 25E of the *Environmental Planning & Assessment Regulation 2000* cannot be met.
3. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate the likely impacts will not be adverse.
4. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate the site is suitable for the development.
5. Pursuant to the provisions of Section 4.15 (1) (d) and (e) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for the circumstances of the case, and with submissions received, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

## 4 ATTACHMENTS

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- 1 Plans
- 2 Voluntary Planning Agreement – Letter of offer



- LEGEND**
- ACCESSIBLE PATH OF TRAVEL TO SATISFY AS1428.1 & BCA PART D.3
  - HARDWOOD TIMBER DECKING
  - 2.1M TALL POWDERCOATED 'SECURATOP' SECURITY FENCING & AUTO SLIDING GATE
  - PERVIOUS SURFACE TO PARKING BAYS
  - BROOM FINISHED CONCRETE DRIVEWAY & PARKING BAYS
  - LOADING/UNLOADING SPACE LIMITED TO USE FOR MAXIMUM 10 MINUTES



## SITE PLAN



**PETER BYFIELD**

+ Associates Pty Ltd

Suite A, 34 Taylor Street, Annandale NSW 2038  
Phone 02 9660 2255 Fax 02 9660 2254

This drawing is copyright and may not be used without written consent. Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to starting any work.

Issue	Date	Event
A	Aug 2018	CC Issue
B	Sep 2018	Vertical Lift Added
C	March 2019	Unit Set Out

Drawing no.

**CC1415 - A**

Scale  
1:200 @ A3

Date  
Aug 2018

Title

Site Plan

Drawn By  
BP

Project

Two Shops + Two Dwellings

For Coal Coast Developments Pty Ltd

741-743 Lawrence Hargrave Drive

Coledale

NSW

SHOPTOP HOUSING

**741 - 743**

Lawrence Hargrave Drive  
COLEDALE NSW





# Plannex Environmental Planning

Our Ref 2019.024

Phone: 0407 545 712  
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P.O. Box 239  
FIGTREE NSW 2525

1 October 2019

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

**Attention: Melissa Ballinger**

Dear Melissa

## **DRAFT LETTER OF OFFER**

### **Voluntary Planning Agreement in Respect of a Proposed Medical Centre at Lot 103 DP 1089677 No.741-743 Lawrence Hargrave Drive, Coledale**

I refer to previous correspondence in relation to a proposed Voluntary Planning Agreement (VPA) relating to a proposed medical centre to be established within vacant commercial premises at Lot 103 DP 1089677 No.741-743 Lawrence Hargrave Drive at Coledale.

Plannex Environmental Planning has been engaged by Dr Cartan Costello to prepare and lodge a Development Application for the fit out and use of one of the existing vacant commercial suites as a medical centre containing three (3) consulting rooms, with the other vacant commercial premises to be used as a small business centre.

The existing development on the site includes two (2) residential dwellings and parking for a total of nine (9) vehicles – five (5) of which are allocated to the residents and their visitors. The establishment of a medical centre within the vacant commercial premises generates a shortfall of seven (7) car parking spaces on-site. It is proposed to provide an off-site public car parking facility to meet the on-site car parking shortfall.

This letter constitutes my client's draft Letter of Offer to enter into a VPA with Council in relation to the proposed medical centre development and off-site car parking area. The key components of this offer are:-

1. The Voluntary Planning Agreement will apply in respect of the medical centre to be established at Lot 103 DP 1089677 No.741-743 Lawrence Hargrave Drive, Coledale.

2. The parties to the agreement will be Wollongong City Council and Dr Cartan Costello.
3. The associated development proposal will seek development consent for the fit out and use of the premises as a medical centre containing three (3) consulting rooms.
4. In lieu of the provision of seven (7) additional car parking spaces within the development site attributable to the medical centre, Dr Cartan Costello undertakes to design and construct a public car parking facility for seven (7) vehicles at the eastern end of Rawson Street, Coledale. All costs associated with the design and construction of the public car parking facility will be borne by Dr Costello. An indicative car parking design is attached.
5. The public car parking facility will be completed prior to the issuing of an Occupation Certificate for the medical centre.
6. The car park will be a public facility and, following its completion, will be the sole responsibility of Wollongong City Council.

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I trust this draft Letter of Offer is acceptable to Council in relation to the development proposal and will now allow Council to prepare the draft Planning Agreement document. I look forward to receiving the draft Planning Agreement for my client's review.

Yours sincerely



Glenn Debnam BTP (UNSW) RPIA  
**Town Planner**  
**Director**