

Wollongong Local Planning Panel Assessment Report | 11 October 2022

WLPP No.	Item No. 1
DA No.	DA-2021/1384
Proposal	Commercial - tree removals and construction of a new two-storey commercial building
Property	254 Lawrence Hargrave Drive, THIRROUL NSW 2515
Applicant	MMJ Town Planning
Responsible Team	Development Assessment & Certification – City Wide Planning Team (RT)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

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

Proposal

The proposal seeks consent for the following:

- Construction of a new two storey commercial premises/building;
- Eight (8) car parking spaces including one (1) accessible space, one (1) motor bike space and four (4) bicycle spaces; and
- Associated tree removal, landscaping and stormwater drainage.

Permissibility

The subject site is zoned B2 Local Centre pursuant to Wollongong Local Environmental Plan (WLEP) 2009. Commercial premises are permissible with consent in the B2 zone. Tree removal is ancillary works so as to facilitate the proposal and as such is also permissible.

Consultation

Details of the proposal were publicly exhibited in accordance with Council's adopted Community Participation Plan 2019. Ten (10) submissions were received. The issues identified are discussed at section 1.5 of this report

Internal

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

External

Details of the proposal were referred to Transport for NSW for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided.

Main Issues

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

- Impacts on local heritage item on adjoining lot;
- Service vehicle access;

- Variation request regarding the following development controls of Chapter D12 of WDCP2009:
 - Clause 14.1(c) Maximum building depth;

RECOMMENDATION

DA-2021/1384 be approved subject to the conditions provided in **Attachment 6**.

1.0 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Biodiversity & Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2022
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The application proposes the construction of a new two storey commercial premises/building comprising:

- Ground Floor
 - Entry lobby with stair and chair lift access from the street;
 - Two (2) commercial (business premises), with flexibility to be occupied as one (1) commercial space;
 - Four (4) W.C's including one (1) accessible;
 - Bin storage, cleaners cupboard, common lift and stairs;
- Level 1
 - One (1) commercial space (office premises) including kitchenette;
 - Four (4) W.C's including one (1) accessible;
 - Front and rear external balcony.
- Eight (8) car parking spaces including one (1) accessible space, one (1) motor bike space and four (4) bicycle spaces; and
- Associated tree removal, landscaping and stormwater drainage.

The proposed hours of operation:

- Monday to Friday: 7:00am to 6:00pm;
- Saturday, Sunday and public holidays: 7:00am to 3:00pm

1.3 BACKGROUND

The development history of the site is as follows:

Application Number	Description (Application)	Decision	Determined
PL-2014/10	Proposed commercial building	COMPLETED	28/03/2014
TMO-2015/1351	Remove 1 tree	APPROVED	30/10/2015
TMO-2016/78	Remove 3 trees	APPROVED	28/01/2016
DA-2017/1519	Retail premises - change of use to retail store - homewares	APPROVED	12/01/2018
PL-2020/182	Demolition of existing structures and construction of 3 storey commercial development TEAMS MEETING 12/11/2020	COMPLETED	25/11/2020
PC-2021/925	Demolition of existing buildings	APPROVED	18/06/2021

Customer service actions:

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

1.4 SITE DESCRIPTION

The site is located at 254 Lawrence Hargrave Drive, THIRROUL and the title reference is Lot 13 Sec A DP 4882.

The subject site is currently vacant. Vehicular parking for the site is via road opening off Lawrence Hargrave Drive.

The land is a standard rectangular shaped allotment with an overall site area of approximately 712.8m². The site has a slight slope to the front of the block.

The street scene on the Northern side of Lawrence Hargrave Drive in the immediate vicinity is characterised by a mixture of land uses including retail and commercial development and residential development. The street scene on the Southern side of the Princes Highway is characterised by retail development and residential development. Adjoining development consists of a multi dwelling housing development to the East, Thirroul Post Office to the West and residential development to the rear.



Figure 1: Aerial photograph (2021)

Property constraints

- Flooding: Levels undetermined.

- Acid sulphate soils – Class 5

There are no restrictions on the title.

1.5 SUBMISSIONS

Details of the proposal were publicly exhibited in accordance with Council's adopted Community Participation Plan 2019. Ten (10) submission was received. The main issues identified within the submissions are discussed below.

Table 1: Submissions

Concern	Comment
1. Sustainable design	<p>Consideration was given to the sustainability of the development.</p> <p>Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of Wollongong Development Control Plan 2009.</p> <p>Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development</p> <p>The proposal is for tree removal and construction of a two (2) storey commercial development. Therefore, an assessment of the proposal has been undertaken against the provisions of Chapters B4 and D12 of WDCP 2009.</p> <p>Overall, the proposed development has been considered against the provisions of WDCP (2009) and found to be acceptable in this case.</p> <p>With respect to the glazing to front façade. The front façade faces South. The extent of glazing on the front façade will facilitate extra natural lighting into the building, as will the skylights now included on the roof, particularly in winter and it considered be overshadowed in summer by the building and adjoining post office to the west reducing heat in summer. It should be note that transparency of the front façade was requested by Council so as to facilitate views to the adjoining local Heritage Item to the West.</p>
2. Front Setback	<p>Consideration was given to the street setback of the proposed development.</p> <p>Wollongong Development Control plan 2009 Chapters B4 and D12 allow for a zero street setback and street wall of up to two (2) storeys.</p> <p>Details of the application submission were referred to Council's Heritage Officer for comment. Council's Heritage Officer raised concerns with regard to impacts on the local Heritage Item on the adjoining block to the West and the applicant was requested to provide</p>

Concern	Comment
	<p>amended plans to increase the front setback of the proposed development in particular the first floor.</p> <p>Amended plans were provided that reduced the overall height of the proposed development, increased the front setback of the first floor, provided planting within front setback and provided visual permeability to the front façade of the buildings ground floor so as to minimise visual impacts on the adjoining heritage item and facilitate views to the adjoining heritage item and the Illawarra Escarpment.</p> <p>The amended plans have been reviewed by Council's Heritage Officer and are considered to resolve concerns raised.</p>
3. Tree removal	<p>The application submission, including an arborist report was referred to Council's Landscape Officer in respect to landscaping and tree preservation and management and is considered acceptable. Conditions 7, 24, 27 and 47 at Attachment 6 specify trees to be removed, trees to be retained, tree protection and management and compensatory plantings of advanced mature plant stock.</p>
4. Building Design	<p>Chapter D1 indicates that Thirroul is the focal retail, business and cultural point for residents of the northern suburbs. Thirroul should continue to feature a combination of unique specialty retail shops, cafes, restaurants and other businesses.</p> <p>The significance of the village centre as a retail and business precinct will be strengthened through the consolidation of existing retail and business centre and the continued encouragement of active front shops.</p> <p>The proposal is for a new two (2) storey commercial development with an active street frontage. Concerns were raised by Council's Heritage Officer with regard to the visual impact of the proposed development on the adjoining local heritage item. The applicant was requested to provide amended plans.</p> <p>Amended plans were provided that changed the roof from a pitched roof to a flatter pitch with parapet, reduced the overall height of the proposed development, increased the front setback of the first floor, provided planting within front setback and provided visual permeability to the front façade of the buildings ground floor so as to minimise visual impacts on the adjoining heritage item and facilitate views to the adjoining heritage item and the Illawarra Escarpment.</p>

Concern	Comment
	<p>It is considered that the proposed development will have minimal impact on the existing streetscape and character of the area.</p> <p>The proposed development is a permissible use in the B2 zone and reasonably satisfies controls for commercial development under Wollongong Development Control Plan 2009. The proposal is considered to not detract from the existing character of Thirroul and is compatible with the desired future character for the locality.</p>
5. Building Depth variation	<p>The building depth is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • It is considered that the first floor can receive adequate solar access and cross ventilation; • The proposal will provide viability in the floor plate for business occupation; • Reasonable setbacks have been provided to the Eastern side and Northern rear boundaries of the site such that amenity impacts on adjoining residential development in regard to privacy and overshadowing are considered minimised. WDCP 2009 Chapters B4 and D12 indicate that buildings are to generally have a zero side setback and therefore the side setback to the Western side boundary is considered acceptable.; • The proposal is well below Council's floor Space Ratio and maximum Height of Building development standards.
6. Building Height	<p>Wollongong Local Environmental Plan 2009 Clause 4.3 prescribes a maximum building height of 12m for the subject site.</p> <p>Concerns were raised by Council's Heritage Officer with regard to the overall height of the building and its impacts on views to the Illawarra Escarpment. The applicant was requested to amend the plans to reduce the overall height of the building. The applicant submitted amended plans that reduced the overall height changing the roof from a pitched roof to a flatter pitch with parapet.</p> <p>The overall height of the building is now 8.4m and complies with Council's maximum height of buildings development standard.</p>
7. Use of Building	<p>The applicants statement of environmental effects indicate that the proposal is for a two (2) storey commercial premises with use of the ground floor as a business premises and the first floor as an office premises.</p>

Concern	Comment
	Commercial premises is a permissible use in the B2 zone.
8. Car Parking	<p>Details of the application were referred to Transport for NSW and Council's Traffic Officer for assessment.</p> <p>Transport for NSW considered the application conditionally satisfactory subject to Council being satisfied with internal access to the site in particular for service vehicles. The applicant was requested to provide additional information in regard to service vehicle access to the site. The applicant provided additional information indicating that service vehicle access to the site was not being sought and waste collection from the street was proposed. Details of the additional information were referred to Council's Traffic Officer for comment. Advice received indicates the proposal would not set a precedent in the area and is considered conditionally satisfactory.</p> <p>The proposed development is considered to satisfy Council's onsite car parking and access requirements in this circumstance.</p>

Table 2: Number of concerns raised in submissions

Concern	1	2	3	4	5	6	7	8
Frequency	2	9	1	8	4	4	1	1

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Development Engineering Officer

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

Landscape Officer

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

Environment Officer

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

Heritage Officer

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

It is noted that particular consideration was given to impacts of the proposed development on local heritage items by Council's Heritage Officer.

Council's Heritage Officer raised concerns with particular regard to visual impacts on the adjoining heritage item (WLEP 2009 Heritage Item 6161 Former Methodist Church now Thirroul Post Office) and views from the public domain to the Illawarra Escarpment. The applicant was requested to provide

amended plans to reduce the overall height of the development and increase the front setback of the proposed development. Amended plans were provided that reduced the overall height of the proposed development, increased the front setback of the first floor and provided visual permeability to the front façade of the buildings ground floor so as to minimise visual impacts on the adjoining heritage item and facilitate views to the Illawarra Escarpment. The amended plans have been reviewed by Council's Heritage Officer and are considered to resolve concerns raised.

1.6.1 EXTERNAL CONSULTATION

Transport for NSW

Details of the application submission were referred to Transport for NSW for comment in regard to Clause 2.119 of SEPP (Transport & Infrastructure) 2021 as the subject site fronts a classified road. Transport for NSW considered the application conditionally satisfactory subject to Council being satisfied with internal access to the site in particular for service vehicles. The applicant was requested to provide additional information in regard to service vehicle access to the site. The applicant provided additional information indicating that service vehicle access to the site was not being sought and waste collection from the street was proposed. Details of the additional information were referred to Council's Traffic Officer for comment. Advice received indicates the proposal would not set a precedent in the area and is considered conditionally satisfactory. Transport for NSW conditions are included at **Attachment 6** of this report.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 B2 zoned land (i.e. less than 1 hectare minimum lot size).

The area of native vegetation clearing proposed (included the clearing of planted native trees) would not exceed the BOS area threshold (0.25 hectares for the lot size). Therefore the proposal does not trigger the requirement for a biodiversity offset scheme.

Council's Environment Officer has indicated that the site is not identified as being of high biodiversity value on the Biodiversity Values Map.

The proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021

Chapter 2 Coastal management

2.1 Aim of Chapter

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

2.3 Land to which Chapter applies

This Chapter applies to land within the coastal zone.

2.5 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Chapter and another environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.
- (2) This Chapter does not apply to land within the Lease Area within the meaning of State Environmental Planning Chapter (Three Ports) 2013.

Part 2.2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

2.7 Development on certain land within coastal wetlands and littoral rainforests area

Comment: The subject site is not identified within the SEPP maps as containing coastal wetlands or littoral rainforest areas. As such, this part does not apply to the subject development.

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

Comment: The subject site is not identified as being within the proximity area of either the coastal wetland or littoral rainforest area. As such, this part does not apply to the subject development.

Division 2 Coastal vulnerability area

Comment: At the commencement of this Policy, no Coastal Vulnerability Area Map was adopted and therefore no coastal vulnerability area has been identified. As such, this part does not apply to the subject development.

Division 3 Coastal environment area

2.10 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.

Comment: The subject site is located within the overlapping Coastal Environment and Use area, therefore this clause applies to the proposal. The development is not expected to result in adverse impacts on the integrity and resilience of the ecological environment, the coastal environmental values, natural processes, water quality, marine vegetation, habitats or headlands or rock platforms, public open space and access to that public open space, aboriginal cultural heritage or the use of the surf zone. It is noted that the application was supported by flood information demonstrating that the proposed floor levels are above the expected inundation levels.

- (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.

Comment: As discussed above, generally, the proposal has been designed and sited to avoid potential impacts to the coastal environment. The floor levels would be above the expected ocean inundation levels at the site. As such, it is considered that the potential impact resulting from the proximity to the coast is able to be managed.

- (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: The subject site is not located within the Foreshores and Waterways Area.

Division 4 Coastal use area

2.11 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.

Comment: the proposed development would not be likely to cause an adverse impact on access to the foreshore area, any overshadowing of the foreshore area, impacts on the visual amenity of the coast, Aboriginal cultural heritage or cultural or built environmental heritage.

(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: The subject site is not located within the Foreshores and Waterways Area.

Division 5 General

2.12 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: Council is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on the subject land or any other land.

2.13 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: 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. This Plan identifies that the site is affected by ocean inundation, and the site has been subsequently mapped according and considered as discussed throughout this report. There are no other provisions of the Plan which apply to the subject land.

2.14 Other development controls not affected

Subject to clause 2.5, 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: noted

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Chapter 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: The subject site is located within the overlapping Coastal and Environment Use areas. There is no inconsistency between the controls as discussed above.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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 2020.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site is not impacted by coastal geotechnical risks or ocean inundation.

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

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

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 2.1 of this Chapter and the matters outlined for consideration.

4.6 Contamination and remediation to be considered in determining development application

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

A Detailed Site Investigation conducted by Douglas Partners and reviewed by a certified site contamination consultant was submitted and reviewed by Council's Environmental Officer.

The results of the DSI provided the following conclusions:

- Isolated PACM fragments were observed on the surface of the site;
- ACM was detected in a small stockpile present in the northern portion of the site; and
- FA / AF was detected in the shallow fill encountered in the southern portion of the site.
- No chemical contamination has been identified that would warrant any further investigation or remediation / management;

Based on the results of the DSI the following recommendations were made:

- An inspection of the building footprint should be undertaken following demolition to visually assess for signs of potential contamination;
- Any surficial ACM should be analysed and removed via hand picking and a clearance inspection and certificate should be undertaken by an environmental consultant / hygienist upon completion;
- The stockpile in the northern portion of the site should be disposed off-site as Special Waste (Asbestos);

- The fill in the southern portion of the site should be disposed off-site as Special Waste (Asbestos):
- A clearance inspection and certificate should be undertaken by an environmental consultant / hygienist upon completion of all disposal works;
- As a matter of due diligence, an unexpected finds protocol (UFP) should be prepared;

The DSI has stated subject to the implementation of the above recommendations it is considered that the site can be rendered compatible with the proposed development.

In accordance with Clause 4.6(2) Council's Environmental Officer has reviewed the history of the site in conjunction with the report prepared by Douglas and Partners and notes that bore holes BH1 and BH6 indicate the top 10cm of soils are contaminated with asbestos fragments. The metal and organics analysis results indicate they are within acceptable limits for the proposed development (commercial). Conditions are included at **Attachment 6** for unexpected finds protocol, asbestos hazard management strategy and waste management to ensure the site is suitable for the proposed development so as to satisfy Clause 4.6(1)(c).

The site is therefore considered that the site can be made suitable for the proposed development and consistent with the assessment considerations of SEPP (Resilience & Hazards). See **Attachment 6** as relates to the environmental consultants address to clause 4.6 matters.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021

The State Environmental Planning Policy (Biodiversity & Conservation) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

4.9 Development assessment process—no approved koala plan of management for land

There is no approved koala plan of management applying to the land, and the land does not have an area of at least 1 hectare (including adjoining land within the same ownership). As such, Clause 11 does not apply to the land.

4.10 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is *not* core koala habitat.

core koala habitat means—

- a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or
- b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

The land has not been assessed by a suitably qualified and experience person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site currently or within the previous 18 years. The proposal does not include the removal of native vegetation. As such, the land is not considered to core koala habitat and consent can be granted for the proposed development in this regard.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT & INFRASTRUCTURE) 2021

Clause 2.119 Development with frontage a classified road of the SEPP (Transport & Infrastructure) 2021 applies to the subject site as Lawrence Hargrave Drive is considered a key state road.

Details of the application submission were referred to Transport for NSW for comment in regard to the SEPP (Transport & Infrastructure) 2021 as the subject site fronts a classified road. Transport for NSW considered the application conditionally satisfactory subject to Council being satisfied with internal access to the site in particular for service vehicles. The applicant was requested to provide

additional information in regard to service vehicle access to the site. The applicant provided additional information indicating that service vehicle access to the site was not being sought and waste collection from the street was proposed. Details of the additional information were referred to Council's Traffic Officer for comment. Advice received indicates the proposal would not set a precedent in the area and is considered conditionally satisfactory. Transport for NSW conditions are included at **Attachment 6** of this report.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

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 funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, 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.

Note—

Business premises are a type of **commercial premises**

commercial premises means any of the following—

(a) business premises,

(b) office premises,

(c) retail premises.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note—

Office premises are a type of **commercial premises**.

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 **B2 Local Centre**.

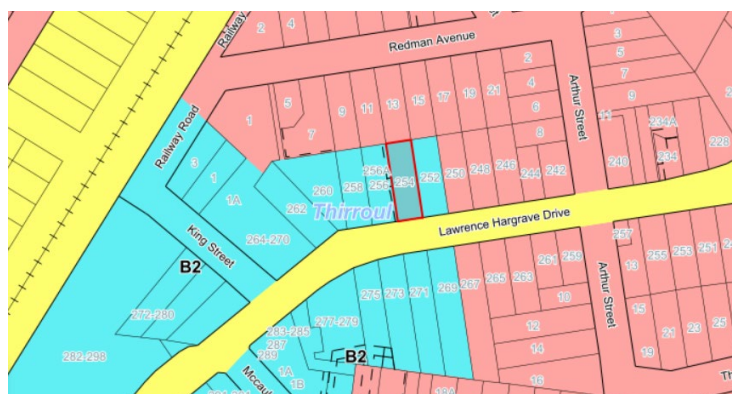


Figure 2: WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone B2 Local Centre are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential accommodation and other uses while maintaining active retail, business or other non-residential uses at the street level.*

It is considered that the proposed commercial premises use is generally satisfactory with regards to the above objectives for Zone B2 Local Centre.

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

ZONE B2 Local Centre permitted uses:

*Advertising structures; Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Home businesses; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies*

The proposal is categorised as a commercial premises which is permissible in the B2 Local Centre zone with development consent. Tree removal is ancillary work to facilitate the proposal and as such is also permissible.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The maximum building height of 8.4m does not exceed the maximum 12m permissible for the site.

Clause 4.4 Floor space ratio

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

Maximum FSR permitted for the site: 1.5:1

FSR provided for Site: $469.707\text{m}^2/712.8\text{m}^2 = 0.658:1$

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

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The subject site adjoins WLEP 2009 Local Heritage Item 6161 Former Methodist Church now Thirroul Post Office and is within the vicinity of WLEP 2009 Local Heritage Item 6155 Former Kings Theatre. Details of the application were referred to Council's Heritage Officer for comment.

Council's Heritage Officer raised concerns with particular regard to visual impacts on the adjoining heritage item (WLEP 2009 Heritage Item 6161 Former Methodist Church now Thirroul Post Office) and views from the public domain to the Illawarra Escarpment. The applicant was requested to provide amended plans to reduce the overall height of the development and increase the front setback of the proposed development. Amended plans were provided that reduced the overall height of the proposed development, increased the front setback of the first floor and provided visual permeability to the front façade of the buildings ground floor so as to minimise visual impacts on the adjoining

heritage item and facilitate views to the Illawarra Escarpment. The amended plans have been reviewed by Council's Heritage Officer and are considered to resolve concerns raised.

Clause 5.21 Flood planning

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

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

Clause 7.5 Acid Sulfate Soils

The subject site is identified as being affected by Class 5 acid sulphate soils. However, as the proposed works for the development are to be located at and above 9m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. As such no special conditions are required in relation to Acid Sulphate Soils.

Clause 7.6 Earthworks

Earthworks associated with the proposal are considered minor, reflective of normal commercial construction and thus acceptable in this circumstance.

Clause 7.13 Certain land within business zones

This Clause applies to development in the B2 Local Centre Zone and the objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people. The proposal provides a commercial space at ground level which is considered to provide an active use at ground floor level as required.

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

Not applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables can be found at **Attachment 3** to this report.

The proposal does involve a variation to the maximum building depth of the first floor Clause 14.1(c) Building Depth of Chapter D12 Thirroul Village of WDCP 2009. A variation request statement with justification has been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009 and is included at **Attachment 4**. This variation has been considered and is capable of support in this instance as discussed within **Attachment 3** of this report.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2022

The estimated cost of works is \$1,382,767 and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

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

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

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

Environmental Planning and Assessment Regulation 2021

The subject application was lodged on the 25 November 2021 therefore in accordance with Section 2 of Environmental Planning and Assessment Regulation 2001 as follows the Environmental Planning and Assessment Regulation 2000 continues to have effect to this application.

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

2000 Regulation means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

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

Not Applicable.

93 Fire safety and other considerations

Not Applicable.

94 Consent authority may require buildings to be upgraded

Not Applicable.

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

Context and Setting:

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

Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The proposed development is for a commercial premises. It is considered that the building has been reasonably sited such that it satisfies the objectives of Council's boundary setback requirements so as to have minimal impact on the adjoining properties in terms of privacy and overshadowing and to allow reasonable solar access to adjoining development.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding character the area. The street scene on the Northern side of Lawrence Hargrave Drive in the immediate vicinity is characterised by a mixture of land uses including retail and commercial development and residential development. The street scene on the Southern side of the Princes Highway is characterised by retail development and residential development. Adjoining development consists of a multi dwelling housing development to the East, Thirroul Post Office to the West and residential development to the rear.

The proposed development satisfies the objectives of Council's Floor Space Ratio and Building Height development standards as identified in the WLEP 2009, and overall, the bulk and scale of the proposed development is considered acceptable in this circumstance.

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

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

Access, Transport and Traffic:

Access to the site will be via an approved driveway to Council's formed roadway which adjoins Council's Local Road. The development is considered not to result in an adverse impact on the traffic movement and access to the site. Transport for NSW and Council's Traffic Officer has no objections to the proposed access arrangements subject to conditions included at **Attachment 6**.

Public Domain:

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

Utilities:

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

Heritage:

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

Other land resources:

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

Water:

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

The proposal is not envisaged to have unreasonable water consumption.

Soils:

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

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

Air and Microclimate:

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

Flora and Fauna:

Seven (7) trees are proposed to be removed with this application. The proposal is not expected to adversely impact fauna. Council's Landscape and Environment Officers has reviewed the application submission including the landscape plan. Advice received is that the application is considered conditionally satisfactory.

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

Waste:

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

Energy:

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

Noise and vibration:

Noise and vibration impacts during excavation and construction are unavoidable. If the development is approved, a suite of conditions are recommended for imposition (see **Attachment 6**) to minimise nuisance during and construction.

Natural hazards:

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

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

Technological hazards:

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

The proposal is identified as being affected by class 5 acid sulphate soils. However, as the proposed works for the development are to be located at and above 9m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. As such no special conditions are required in relation to Acid Sulphate Soils.

Safety, Security and Crime Prevention:

This application is not expected to result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create negative social impacts.

Economic Impact:

The proposal is not expected to create negative economic impacts.

Site Design and Internal Design:

The proposal does not involve an exception to WLEP 2009 development standard.

The application identifies variations to the maximum building depth of the first floor Clause 14.1(c) Building Depth of Chapter D12 Thirroul Village of WDCP 2009.

This variation has been considered in section 2.3.1 as being adequately justified and is thus capable of support.

Construction:

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

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

Cumulative Impacts:

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

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to result in negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See section 1.5 of this report.

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

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

3 CONCLUSION

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

Commercial premises are permitted in the B2 land use zone with development consent pursuant to the WLEP 2009.

The development is consistent with most of the applicable provisions of the relevant planning instruments including Wollongong LEP 2009.

The proposal does involve a Development Control Plan variation to the maximum building depth of the first floor. A variation request statement with justification has been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009. This variation has been considered and is capable of support in this instance as discussed within section 2.3.1 of this report.

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

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

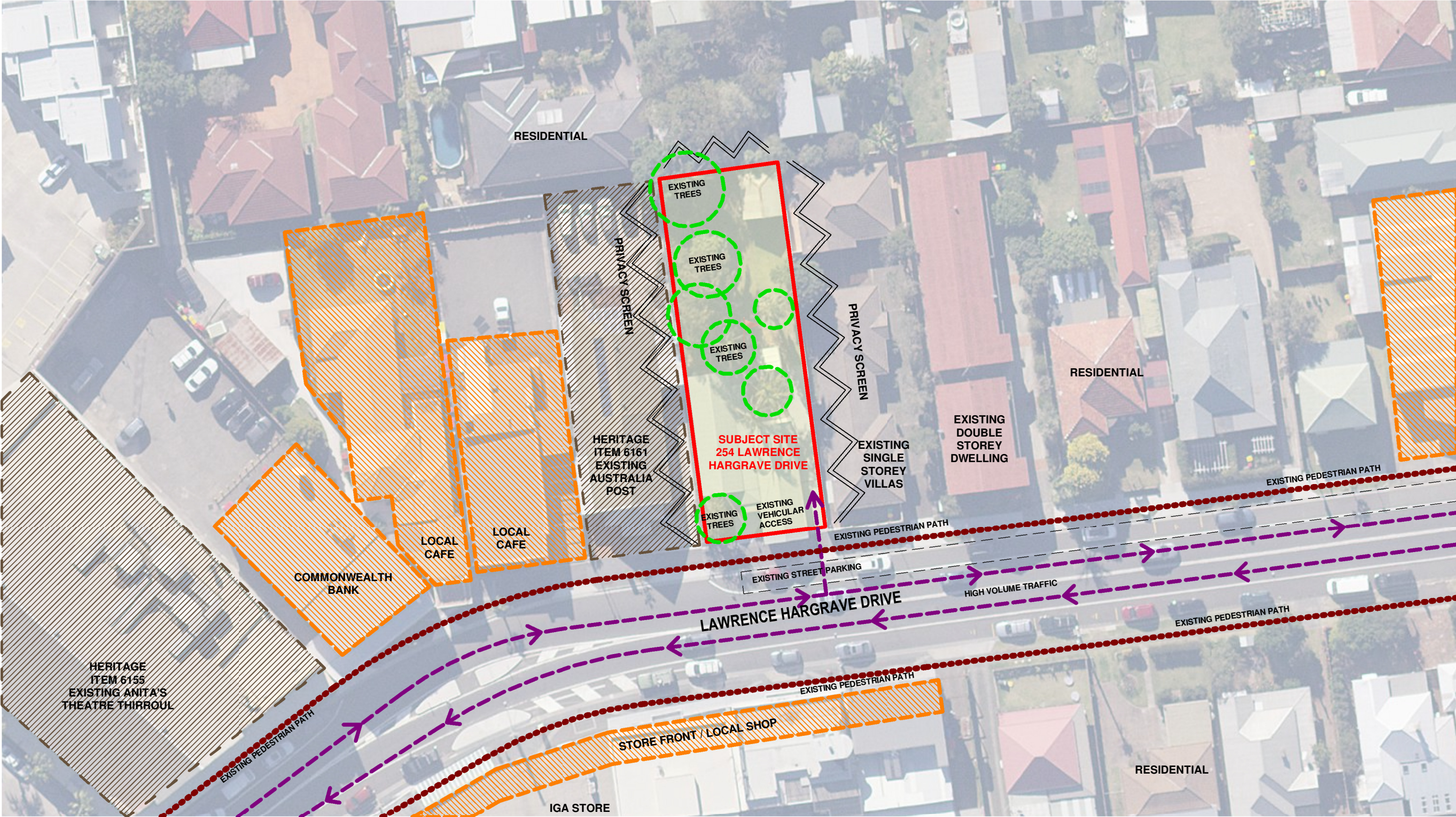
4 RECOMMENDATION

DA-2021/1384 be approved pursuant to Section 4.16(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 6**.

5 ATTACHMENTS

- 1 Plans
- 2 Site Inspection Photos
- 3 Compliance table for Wollongong Development Control Plan 2009

- 4 Clause 8 Variation to Development Control Statement
- 5 Extract from DSI by Douglas Partners
- 6 Conditions



DETAIL SITE ANALYSIS

DISCLAIMER
Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. Drawings are not suitable for purchase of property. All parking and ramps to traffic engineers details. (Subject to Approval)

REF.	DATE	AMENDMENT
L	16.11.2021	DA ISSUE
M	28.01.2022	BUILDING FORM AMENDMENTS
N	21.07.2022	BUILDING FORM AMENDMENT
O	25.07.2022	BUILDING FORM AMENDMENT
P	05.08.2022	BUILDING FORM AMENDMENT

DWA
DESIGN WORKSHOP AUSTRALIA

Wollongong
81a Princes Highway,
Fairy Meadow NSW 2519
Tel: (02) 4227 1661
Email: info@designworkshop.com.au
Web: www.designworkshop.com.au

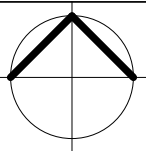
Sydney
Level 10, 6 Mount
Olympus Boulevard,
Wolli Creek NSW 2205
Nominated Architect:
Robert Gizzi (Reg. 8286)

CLIENT: AJ YEAR PROPERTY REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: DETAIL SITE ANALYSIS

LEGEND

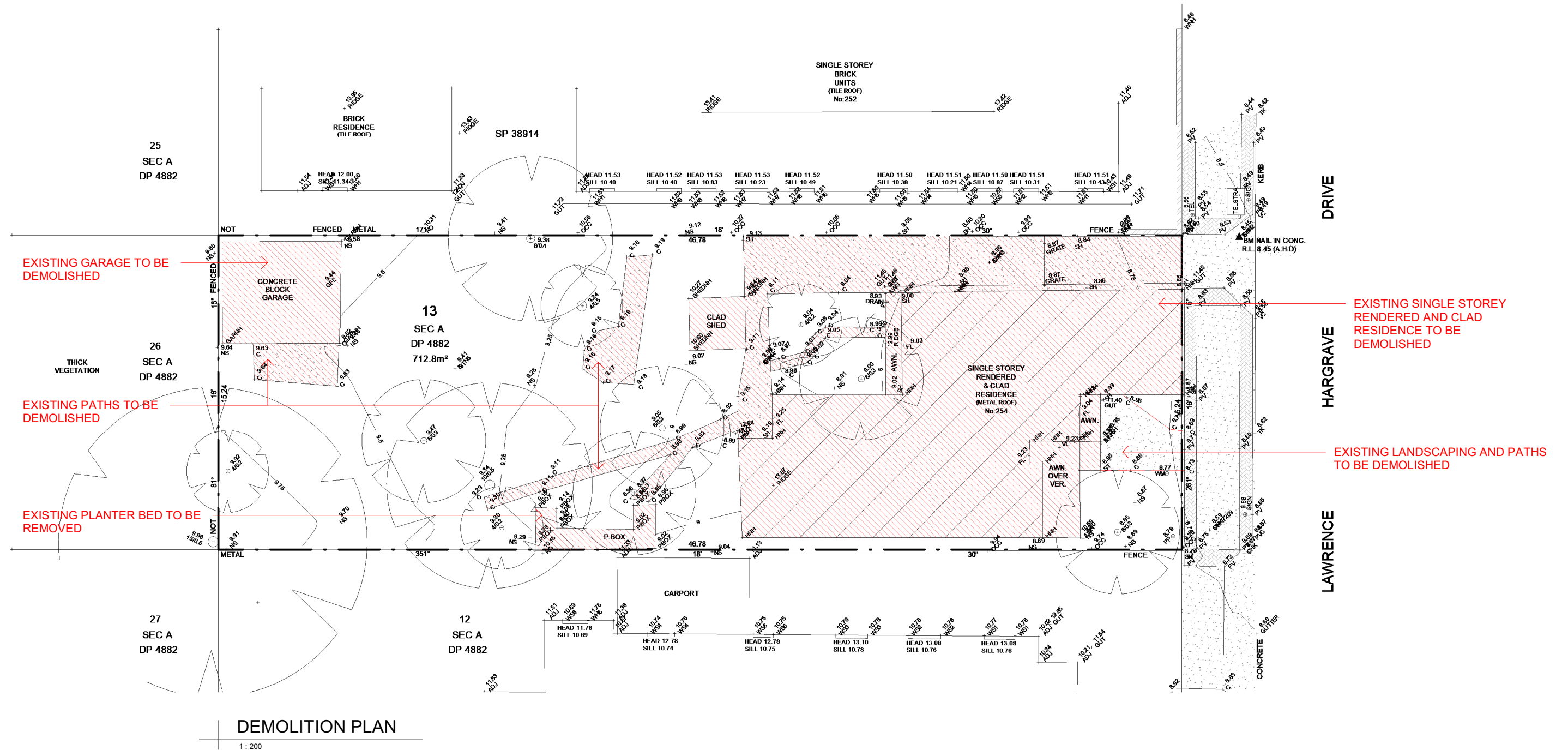
- PROPOSED DEVELOPMENT
- PARKS AND RECREATION AREAS
- BEACHES
- LOCAL SHOPS
- ENTERTAINMENT AREAS
- EDUCATION FACILITY
- PUBLIC TRANSPORT FACILITIES
- MEDICAL/HEALTH FACILITIES
- HERITAGE ITEMS
- HERITAGE CONSERVATION AREA

DEVELOPMENT APPLICATION



ISSUE DATE: 05.08.2022
DRAWN: TN
SCALE: RG
QA: RG

PROJECT No. 2075
DWG No. 004
Rev. P



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REF.	DATE	AMENDMENT
D	03.06.2021	PRELIMINARY CDC
E	10.06.2021	AMENDED PASSING BAY
N	21.07.2022	BUILDING FORM AMENDMENT
O	25.07.2022	BUILDING FORM AMENDMENT
P	05.08.2022	BUILDING FORM AMENDMENT

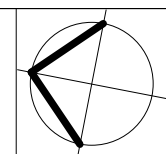
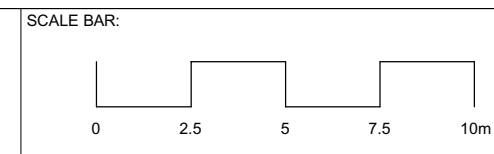
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Fairy Meadow NSW 2519
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Email: info@designworkshop.com.au
Web: www.designworkshop.com.au

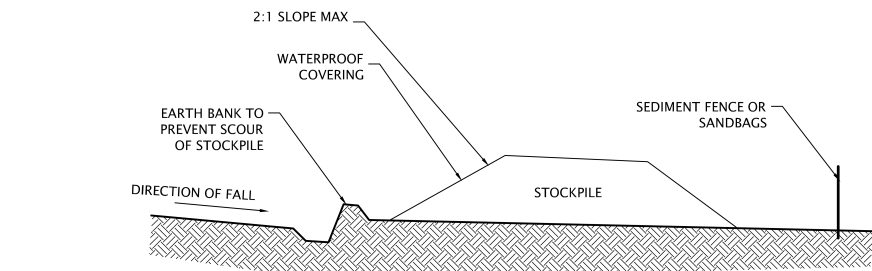
Sydney
Level 10, 6 Mount
Olympus Boulevard,
Wolli Creek NSW 2205
Nominated Architect:
Robert Gizzi (Reg. 8286)

CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: DEMOLITION PLAN



ISSUE DATE: 05.08.2022	PROJECT No. 2075
DRAWN: CS	DWG No. 005A
SCALE: 1:200	Rev. P
QA: RG	

DEVELOPMENT APPLICATION

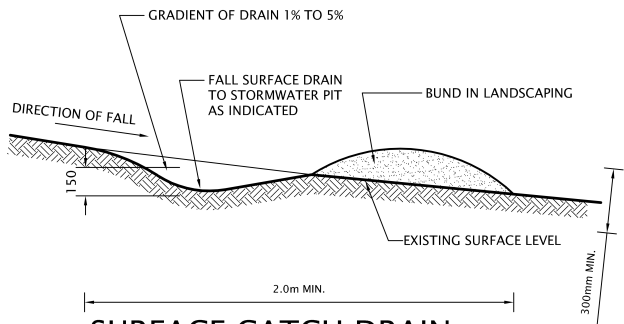


BUILDING MATERIAL STOCKPILE DETAILS

(NOT TO SCALE)

CONSTRUCTION NOTES

1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METERS FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW ROADS AND HAZARD AREAS
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METERS IN HEIGHT.
4. WHERE ARE TO BE PLACED FOR MORE THAN 10 DAYS, STABILIZE THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
5. CONSTRUCT EARTH BANKS ON THE UPSLOE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES 1 TO 2M DOWNSLOPE.



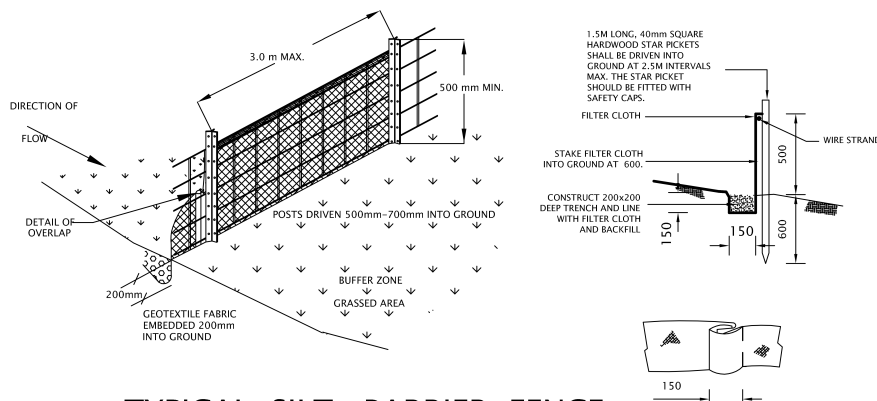
SURFACE CATCH DRAIN

(NOT TO SCALE)

ONLY TO BE USED AS TEMPORARY BANK WHERE MAXIMUM UPSLOPE LENGTH IS 80m

CONSTRUCTION NOTES

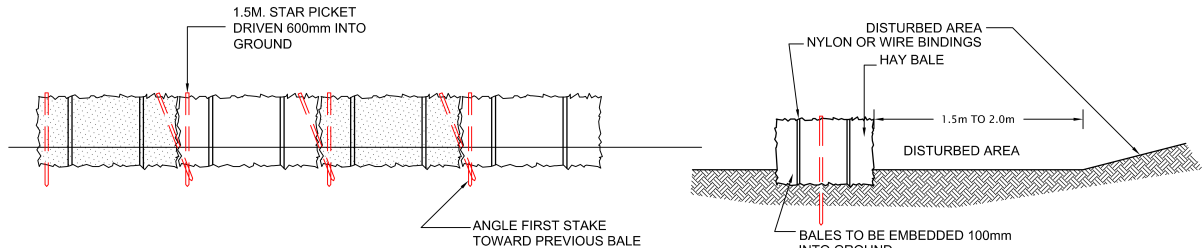
1. BUILD WITH GRADIENTS BETWEEN 1 PERCENT AND 5 PERCENT
2. AVOID REMOVING SHRUBS AND TREES IF POSSIBLE-WORK AROUND THEM
3. ENSURE THE STRUCTURE ARE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT COULD IMPEDE WATER FLOW.
4. BUILD THE DRAINS WITH CIRCULAR PARABOLIC OR TRAPEZOIDAL CROSS SECTIONS NOT V SHAPED
5. ENSURE THE BANKS ARE PROPERLY COMPACTED TO PREVENT FAILURE
6. COMPLETE PERMANENT OR TEMPORARY STABILIZATION WITHIN 10 DAYS OF CONSTRUCTIONS



TYPICAL SILT BARRIER FENCE.

(NOT TO SCALE)

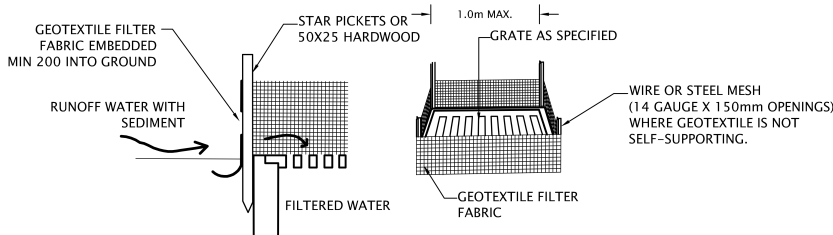
1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION.
2. CUT A 150mm DEEP TRENCH ALONG UPSLOPE LINE IN THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. 1.5M LONG, 40mm SQUARE HARDWOOD STAR PICKETS SHALL BE DRIVEN INTO GROUND AT 2.5M INTERVALS MAX. THE STAR PICKET SHOULD BE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POST ENSURING IT GOES TO THE BAE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTION OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP.
6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.



HAY BALE ELEVATION

(NOT TO SCALE)

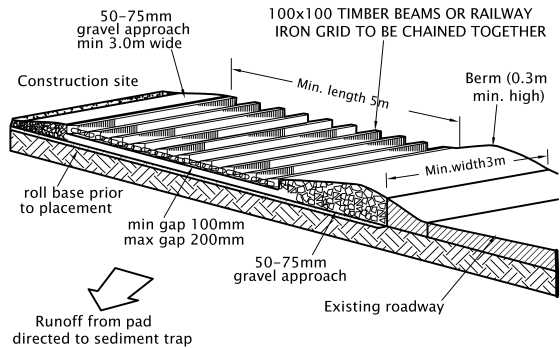
1. CONSTRUCT STRAW BALE FILTER AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOURS OF THE SITE OR AT THE TOE OF THE SLOPE.
2. PLACE BALES LENGTH WISE IN A ROW WITH ENDS TIGHTLY ABUTTING. USE LOOSE STRAW TO FILL ANY GAPS BETWEEN BALES. STRAWS TO BE PLACED PARALLEL TO GROUND.
3. ENSURE THAT THE MAXIMUM HEIGHT OF FILTER IS ONE BALE.
4. EMBED EACH BALE IN THE GROUND 75mm TO 100mm AND ANCHOR WITH 2 1.2 METER STAR PICKETS OR STAKES. ANGLE THE FIRST STAKE IN EACH BALE TOWARDS THE PREVIOUSLY LAID BALE. DRIVE STAKES 600mm INTO THE GROUND AND FLUSH WITH THE TOP OF THE BALES.
5. WHERE A STRAW BALE FILTER IS CONSTRUCTED DOWN SLOPE FROM A DISTURBED BATTER THE BALES SHOULD BE LOCATED 1.5 - 2.0 METERS DOWN SLOPE FROM THE TOE OF THE BATTER.
6. ESTABLISH A MAINTENANCE PROGRAM THAT ENSURES THE INTEGRITY OF THE BALES IS RETAINED- THEY COULD REQUIRE REPLACEMENT EACH TWO OR FOUR MONTHS



GEOTEXTILE INLET FILTER

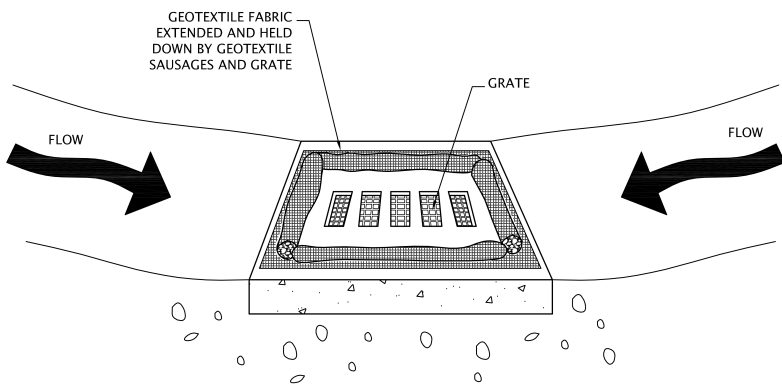
(NOT TO SCALE)

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. FOLLOW PROCEDURE FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOFABRIC. REDUCE THE PICKET SPACING TO 1.0m CENTRES.
3. IN WATERWAY, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWINGS.
4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATER TO BYPASS IT.



TEMPORARY CONSTRUCTION ENTRY/EXIT

(NOT TO SCALE)



STORMWATER INLET SEDIMENT CONTROL

(NOT TO SCALE)

DISCLAIMER

Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. Drawings are not are not suitable for purchase of property. All parking and ramps to traffic engineers details. (Subject to Approval)

REF.	DATE	AMENDMENT
G	08.09.2021	CONSULTANT ISSUE
N	21.07.2022	BUILDING FORM AMENDMENT
O	25.07.2022	BUILDING FORM AMENDMENT
P	05.08.2022	BUILDING FORM AMENDMENT

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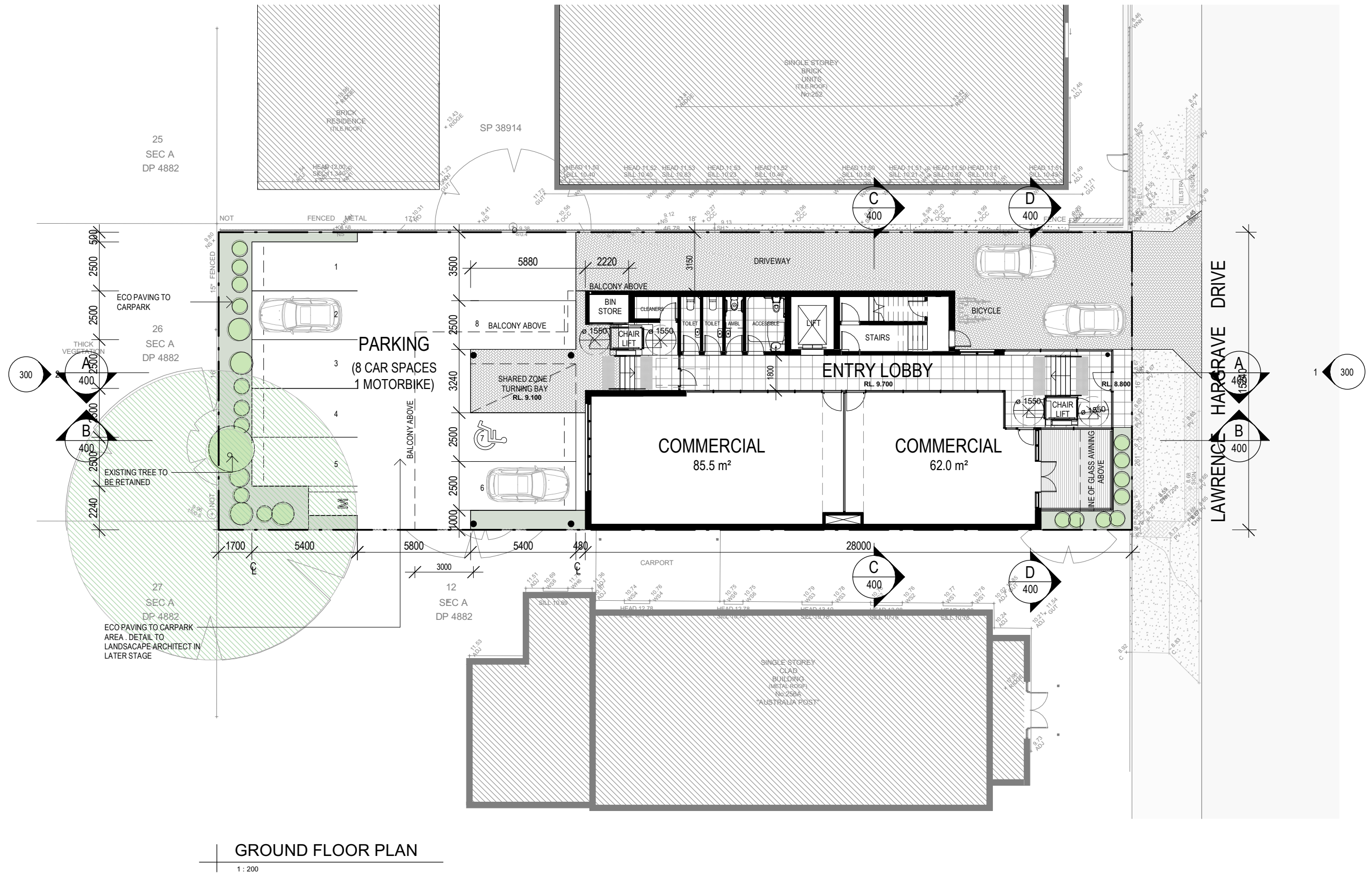
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81a Princes Highway,
Fairy Meadow NSW 2519
Tel: (02) 4227 1661
Email: info@designworkshop.com.au
Web: www.designworkshop.com.au

Sydney
Level 10, 6 Mount
Olympus Boulevard,
Wolli Creek NSW 2205
Nominated Architect:
Robert Gizzi (Reg. 8286)

CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: SOIL AND SEDIMENT CONTROL DETAILS

ISSUE DATE: 05.08.2022	PROJECT No. 2075
DRAWN: CS	DWG No. Rev. 006 P
SCALE: QA: RG	

DEVELOPMENT APPLICATION



GROUND FLOOR PLAN

1 : 200

DISCLAIMER

Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. Drawings are not suitable for purchase of property. All parking and ramps to traffic engineers details. (Subject to Approval)

REF.	DATE	AMENDMENT
L	16.11.2021	DA ISSUE
M	28.01.2022	BUILDING FORM AMENDMENTS
N	21.07.2022	BUILDING FORM AMENDMENT
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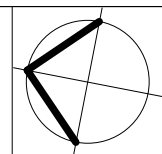
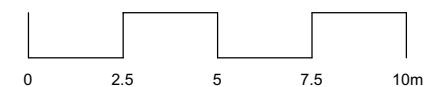
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Wollongong
81a Princes Highway,
Fairy Meadow NSW 2519
Tel: (02) 4227 1661
Email: info@designworkshop.com.au
Web: www.designworkshop.com.au

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Nominated Architect:
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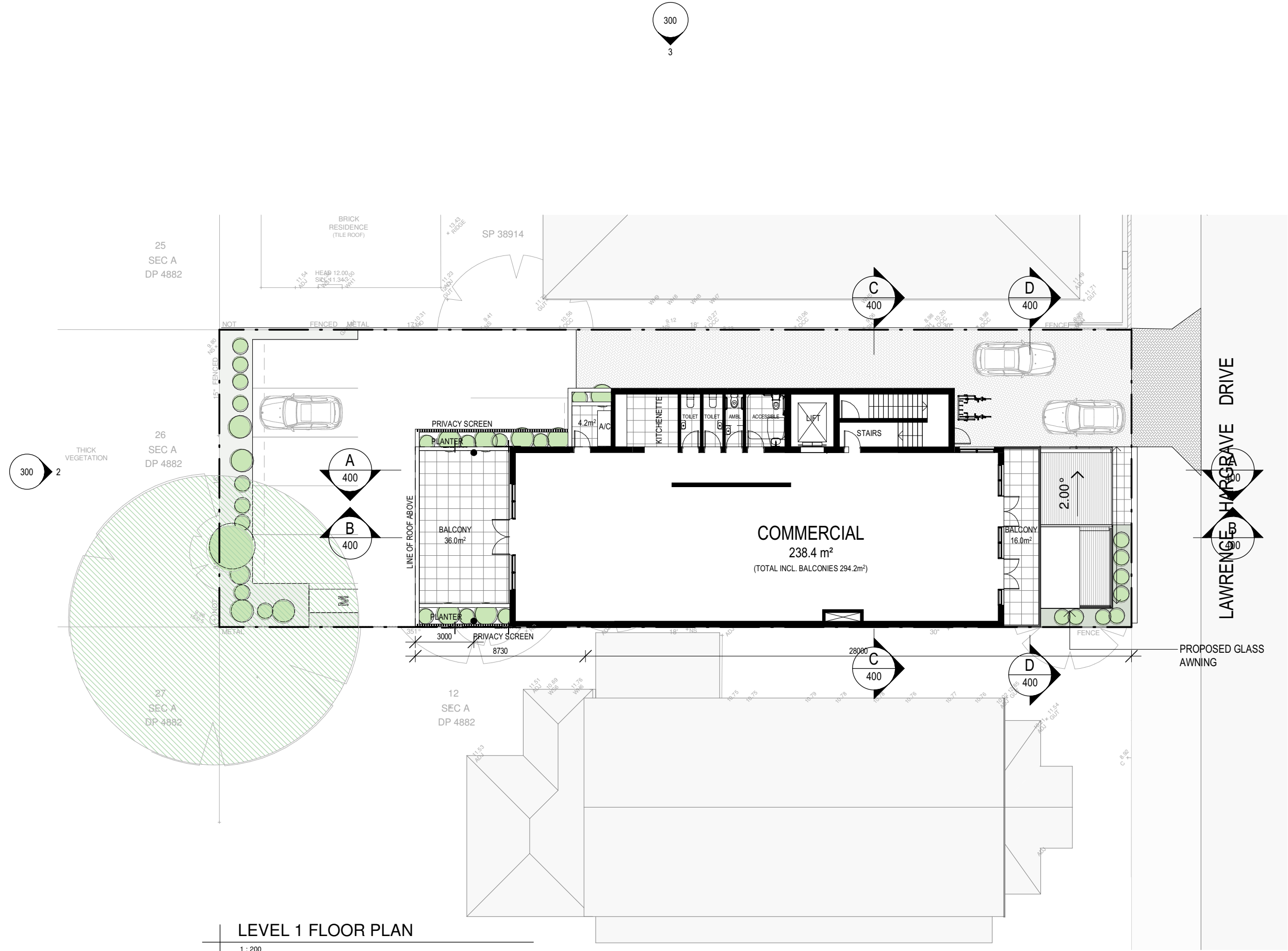
CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: GROUND FLOOR PLAN

SCALE BAR:



ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: 1:200
QA: RG/CS

PROJECT No.
2075
DWG No. Rev.
100 P



LEVEL 1 FLOOR PLAN

1 : 200

DISCLAIMER
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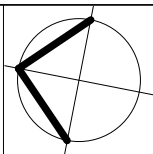
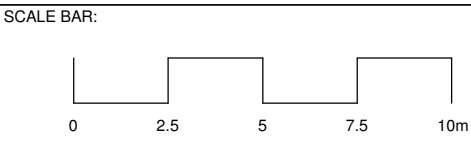
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L	16.11.2021	DA ISSUE
M	28.01.2022	BUILDING FORM AMENDMENTS
N	21.07.2022	BUILDING FORM AMENDMENT
O	25.07.2022	BUILDING FORM AMENDMENT
P	05.08.2022	BUILDING FORM AMENDMENT



Wollongong
81a Princes Highway,
Fairy Meadow NSW 2519
Tel: (02) 4227 1661
Email: info@designworkshop.com.au
Web: www.designworkshop.com.au

Sydney
Level 10, 6 Mount
Olympus Boulevard,
Wolli Creek NSW 2205
Nominated Architect:
Robert Gizzi (Reg. 8286)

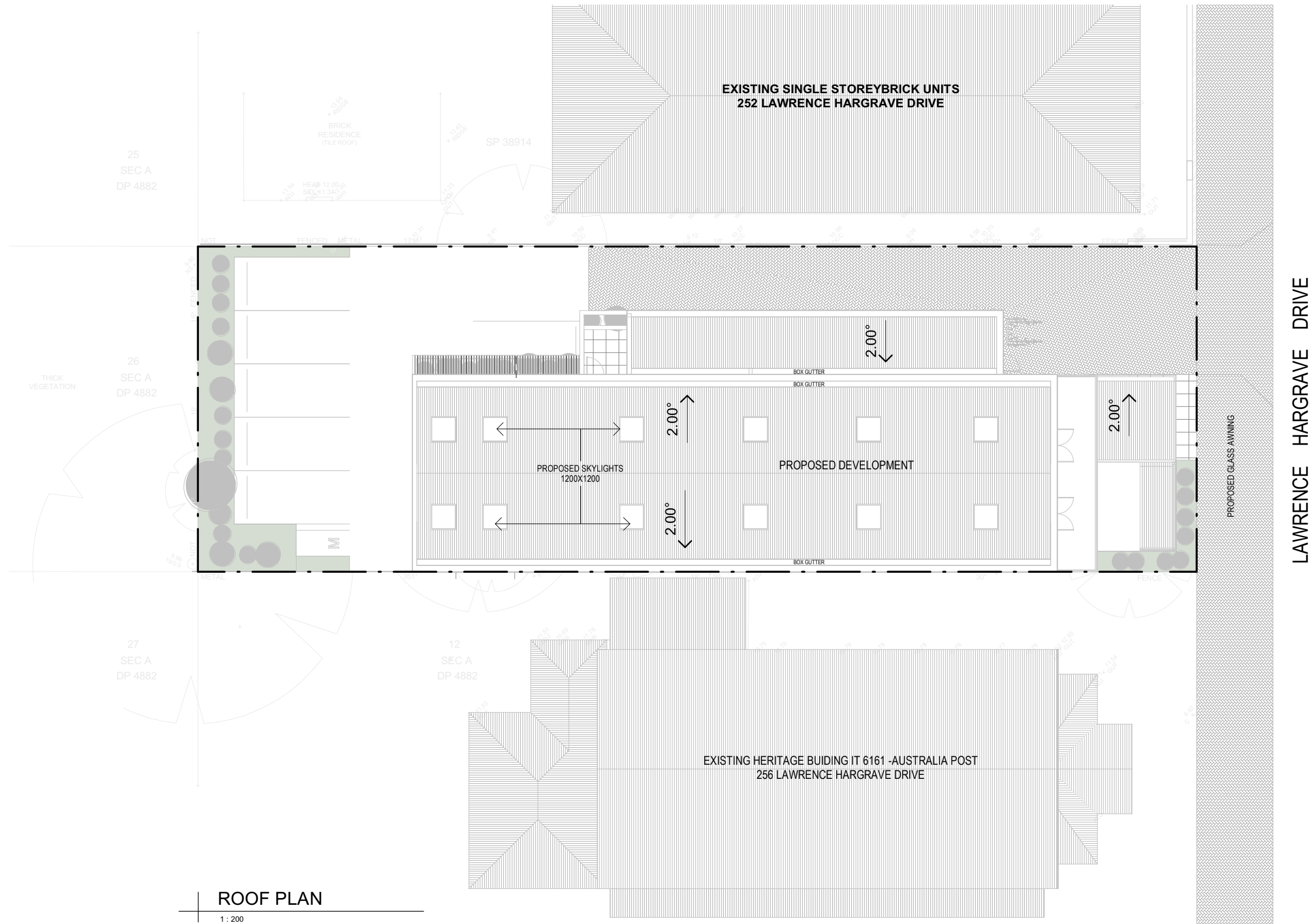
CLIENT: AJ YEAR PROPERTY REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: LEVEL 1 FLOOR PLAN



ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: 1:200
QA: RG/CS

PROJECT No. 2075
DWG No. 101
Rev. P

DEVELOPMENT APPLICATION



ROOF PLAN

1 : 200

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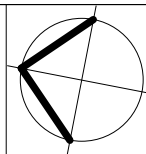
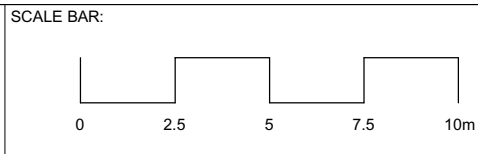
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Level 10, 6 Mount
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Wolli Creek NSW 2205
Nominated Architect:
Robert Gizzi (Reg. 8286)

CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: ROOF PLAN



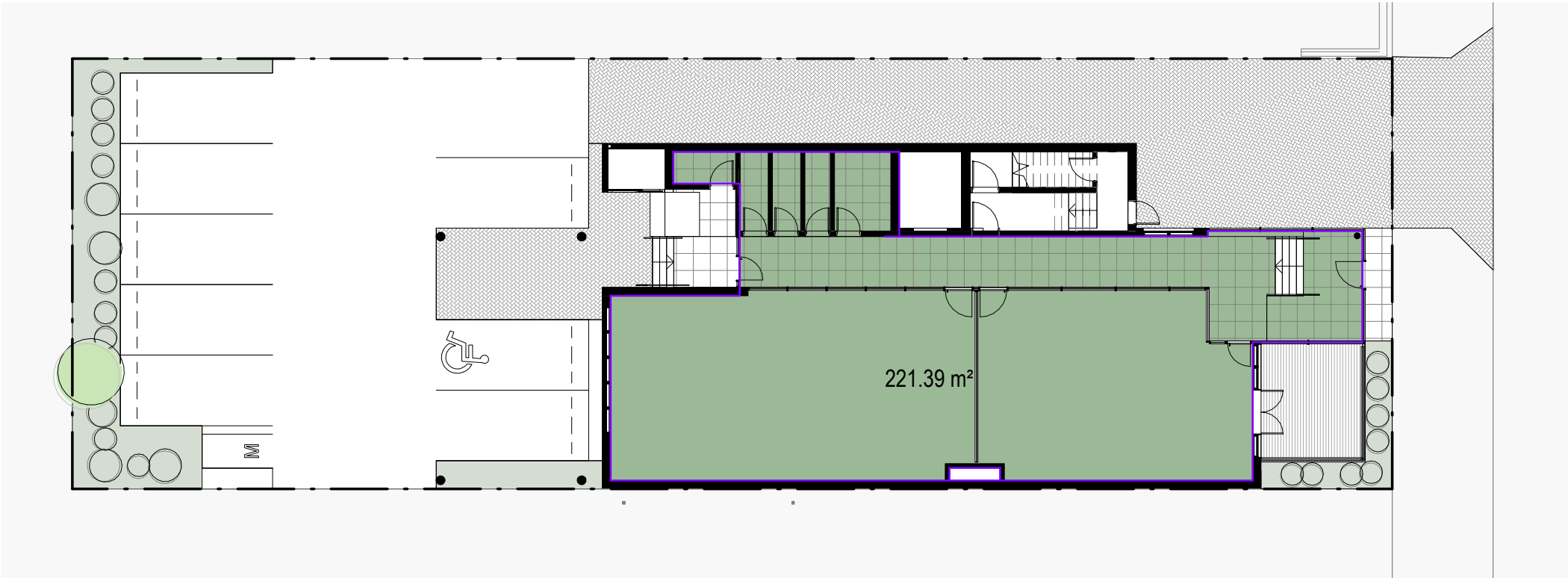
ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: 1:200
QA: RG/CS

PROJECT No. 2075
DWG No. 102
Rev. P

DEVELOPMENT APPLICATION

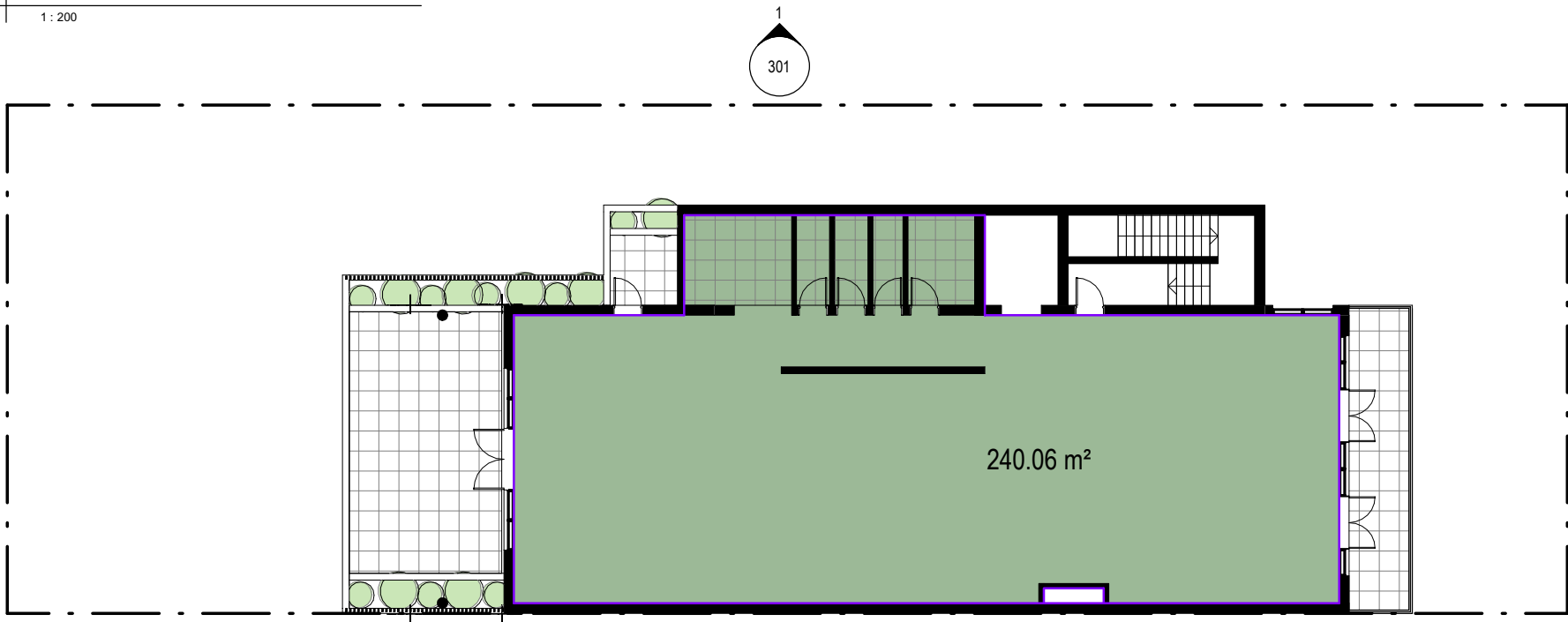
AREA SCHEDULE (GFA)		
LEVEL	AREA	FSR
GROUND FLOOR	221.39 m²	0.40
LEVEL 1	240.06 m²	0.44
	461.45 m²	0.84

DEVELOPMENT DATA / STATISTICS	
SITE AREA	713.0 sqm
GFA ALLOWABLE	1069.5 sqm
GFA PROPOSED	461.45 sqm
FSR ALLOWABLE	1.50 : 1
FSR PROPOSED	0.64 : 1
SITE COVERAGE ALLOWABLE	427.8 sqm (60.0%)
SITE COVERAGE PROPOSED	300.00 sqm (42.0%)
LANDSCAPED AREA PROPOSED	51.3 sqm (7.1%)
CARPARKING REQUIRED	11.95 spaces (Com Area 478.3m2)
CARPARKING PROPOSED	(1 per 40 sqm) 8 spaces
(Note: 30% reduction available due to proximity of Thirroul train station plus bus services)	



GROUND FLOOR - GFA AREA

1 : 200



LEVEL 1 - GFA AREA

1 : 200

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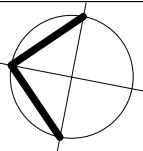
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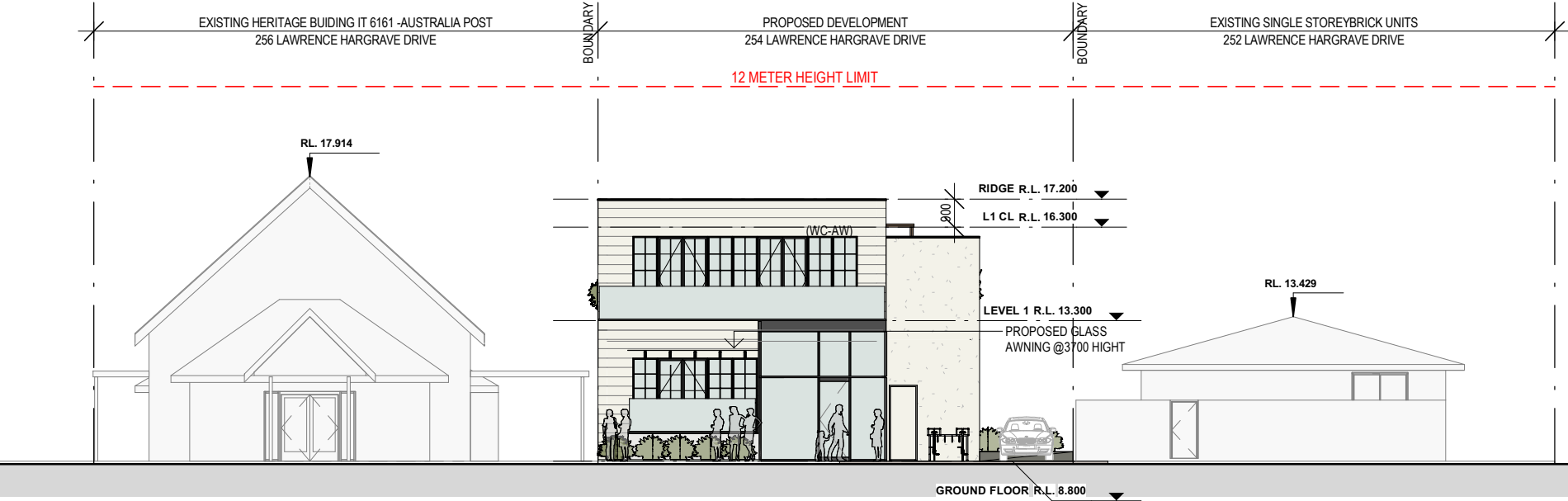
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REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: GFA AREA CALCULATION



ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: RG/CS

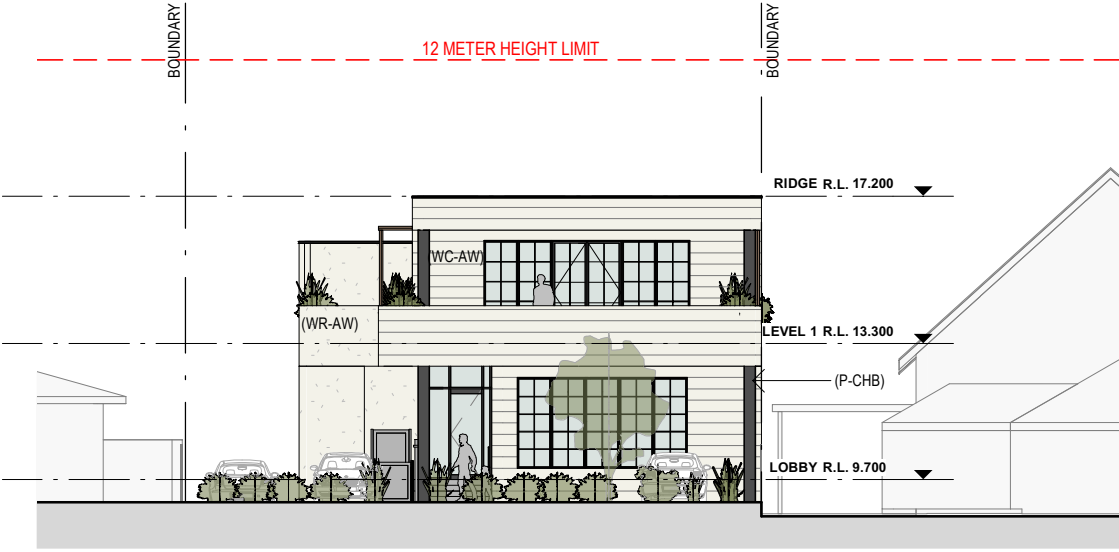
PROJECT No. 2075
DWG No. 200
Rev. P

DEVELOPMENT APPLICATION



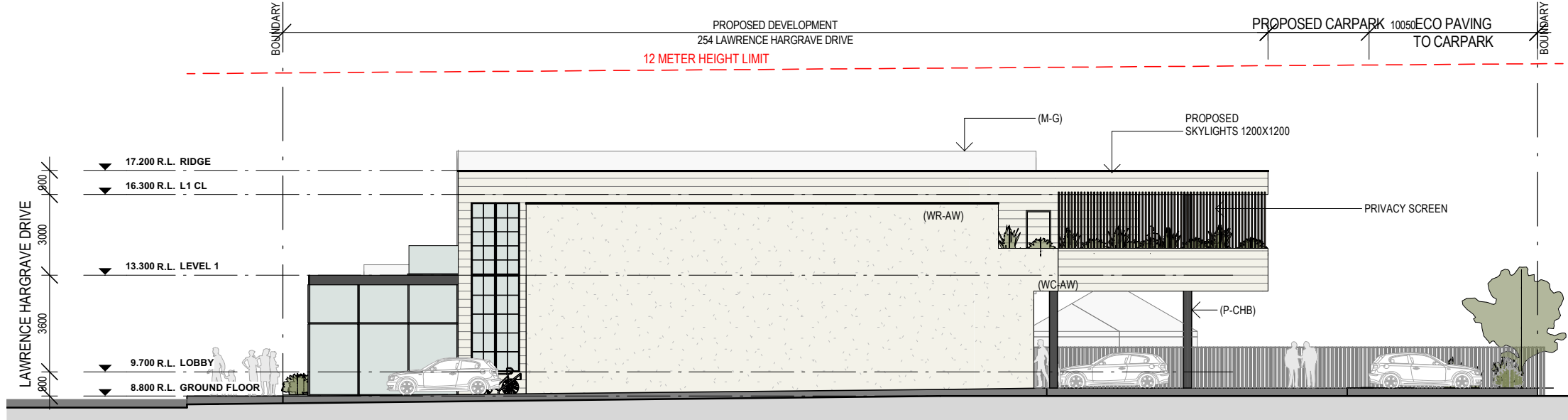
SOUTH ELEVATION

1 : 200



NORTH ELEVATION

1 : 200



EAST ELEVATION

1 : 200

MATERIAL PALLETTE



R - Roofing Monument CL01 - Weatherboard cladding 'White on White' R01 - Render 'Antique White' F - Expressed Framing WF - Powdercoat 'Pearl White'

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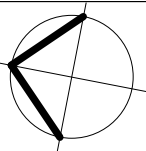
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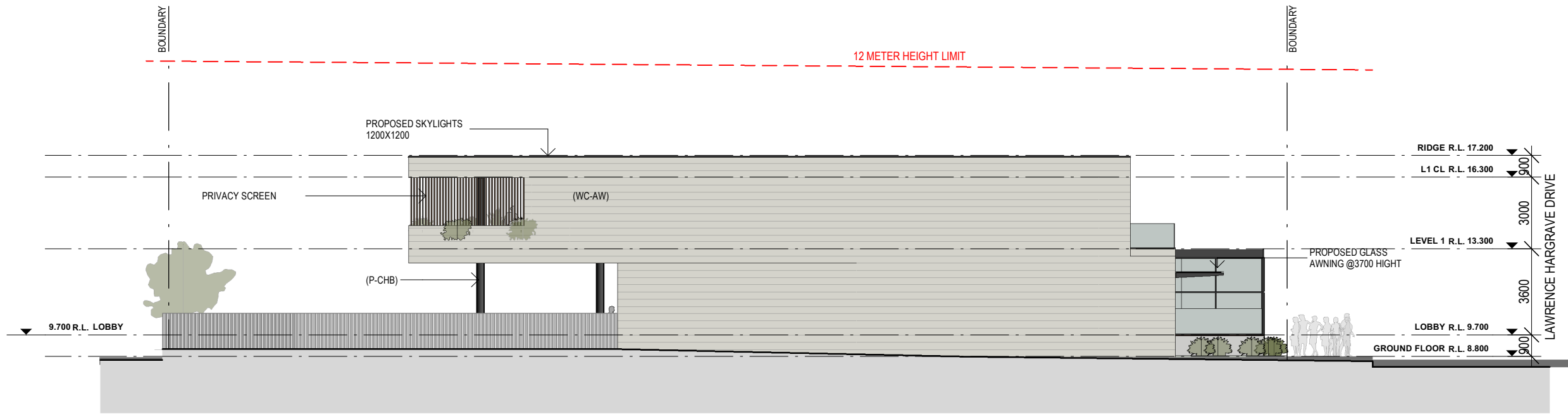
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ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: ELEVATIONS



ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: RG/CS
QA: RG/CS

PROJECT No. 2075
DWG No. 300
Rev. P

DEVELOPMENT APPLICATION



WEST ELEVATION

1 : 200

MATERIAL PALETTE

PAINT - DULUX " CHARCOAL BLACK (P-CHB)

WEATHERBOARD CLADDING - ANTIQUE WHITE (WC-AW)

WALL RENDER - ANTIQUE WHITE (WR-AW)

METAL - GREY (MG)

R – Roofing Monument

CLO1 – Weatherboard cladding 'White on White'

R01 – Render 'Antique White'

F – Expressed Framing

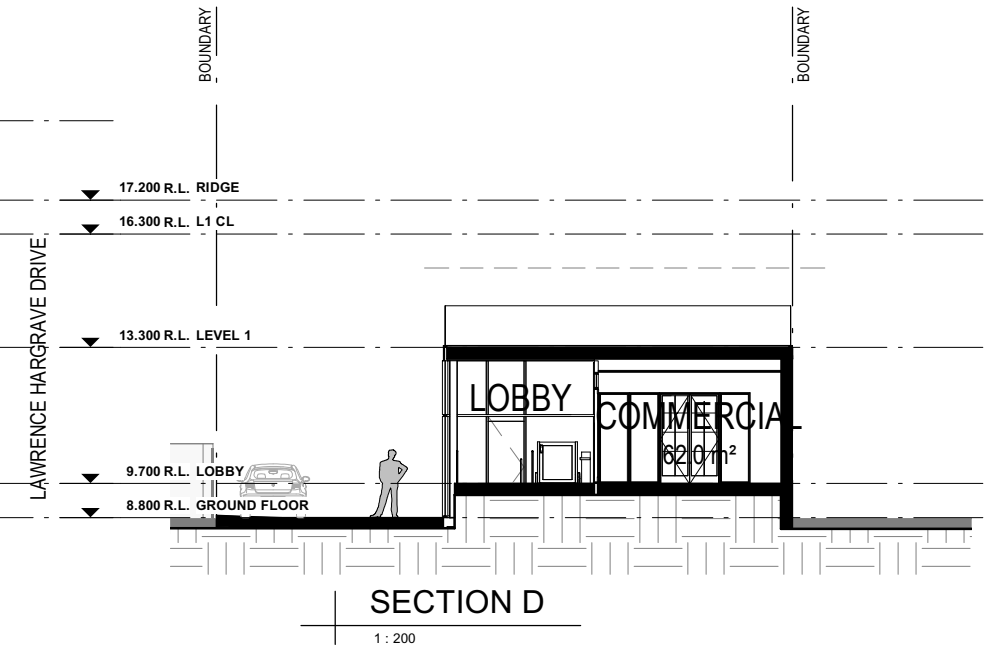
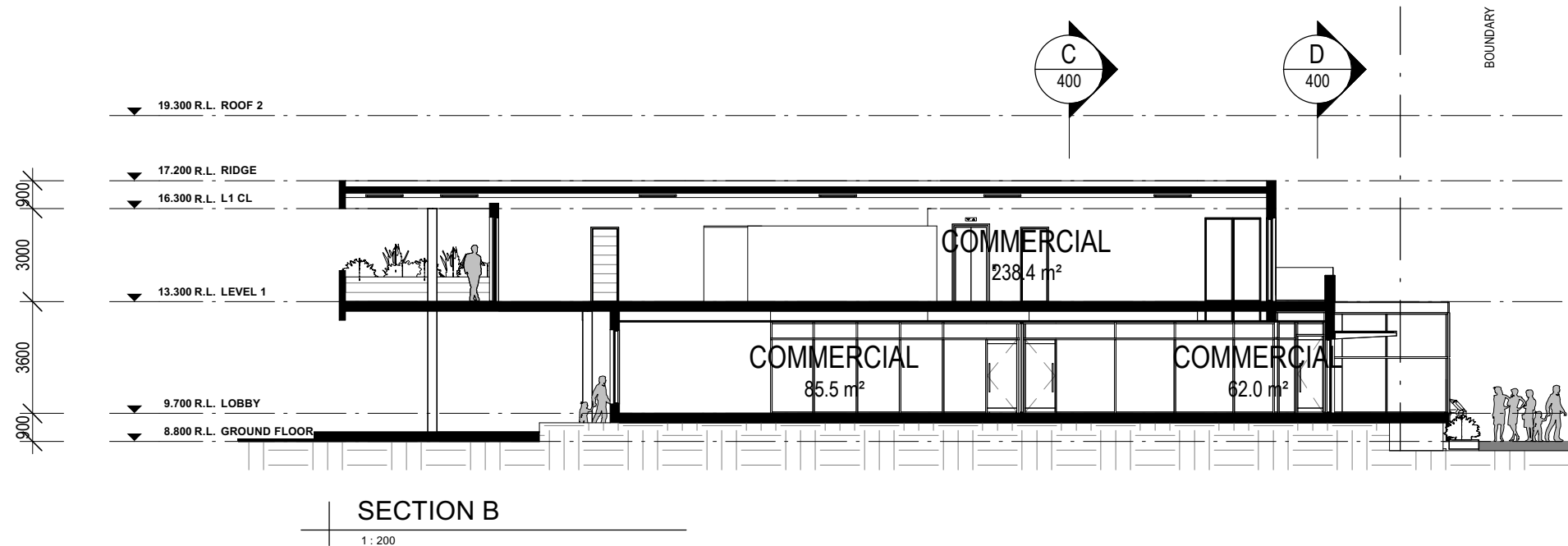
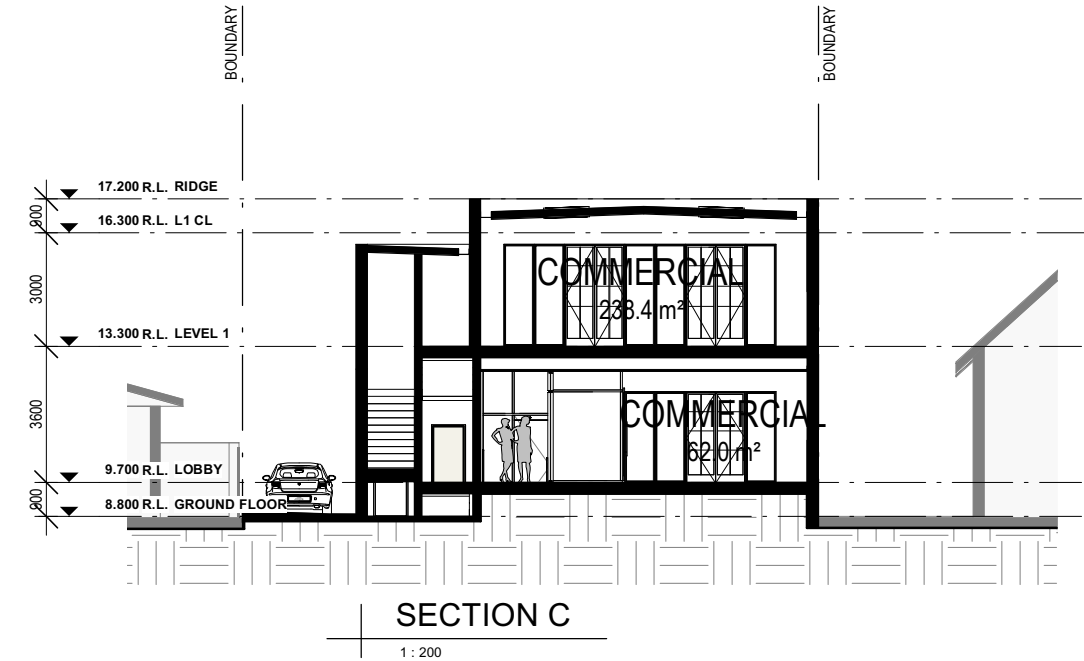
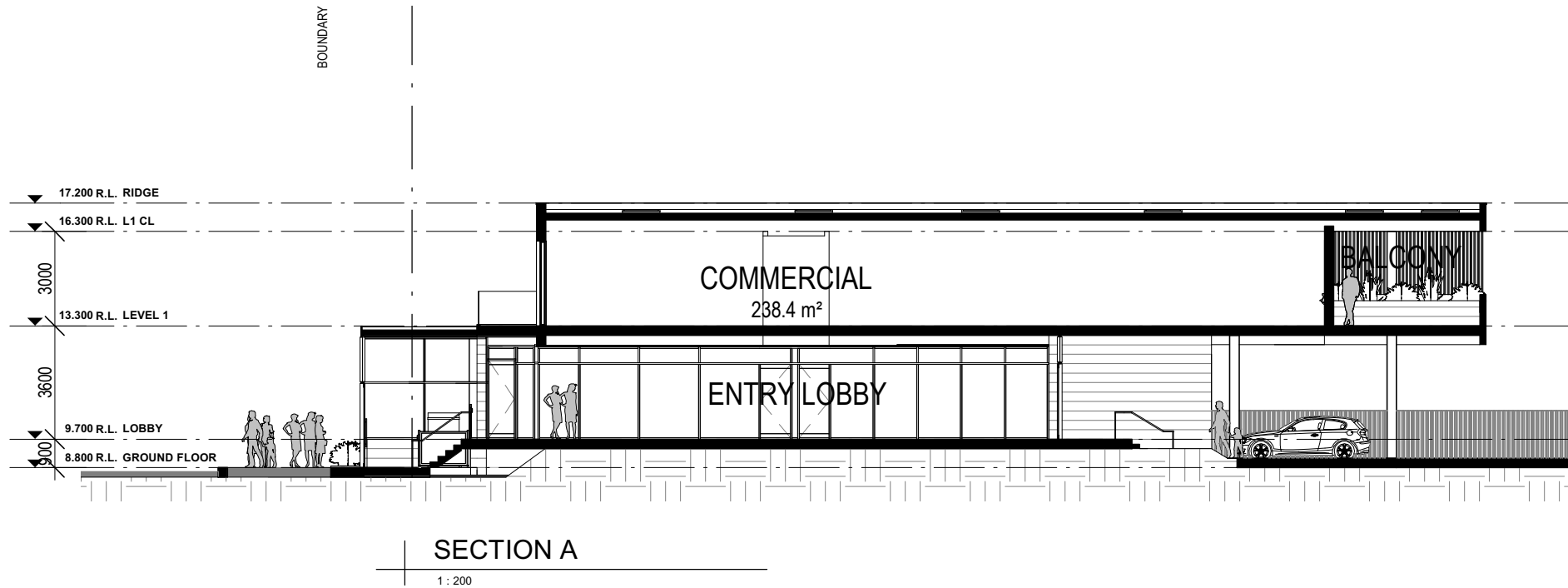
WF – Powdercoat 'Pearl White'



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DEVELOPMENT APPLICATION

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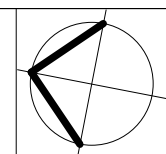
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Tel: (02) 4227 1661
Email: info@designworkshop.com.au
Web: www.designworkshop.com.au

Sydney
Level 10, 6 Mount
Olympus Boulevard,
Wolli Creek NSW 2205
Nominated Architect:
Robert Gizzi (Reg. 8286)

CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: SECTIONS

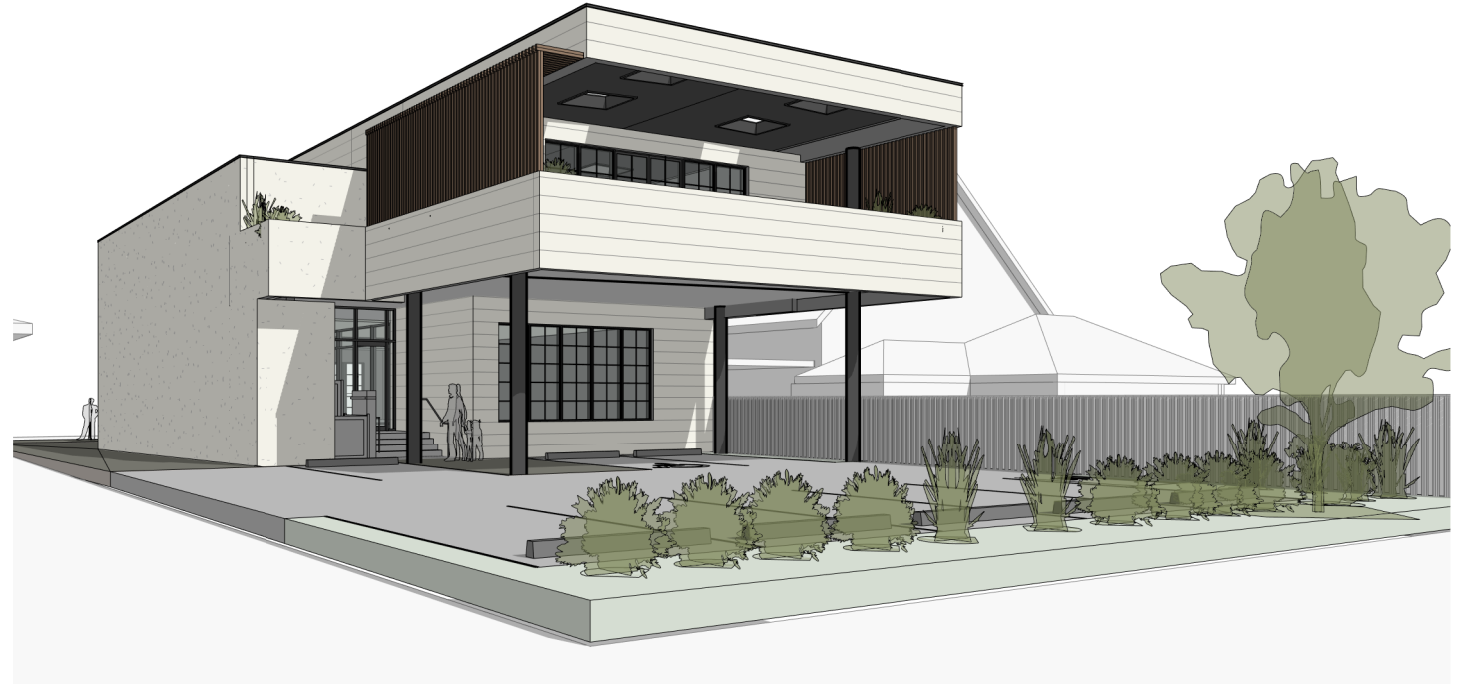


ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: QA: RG/CS
PROJECT No. 2075
DWG No. 400
Rev. P

DEVELOPMENT APPLICATION



3D VIEW_FRONT



3D VIEW_REAR



3D VIEW EASTERN STREET



3D STREET VIEW

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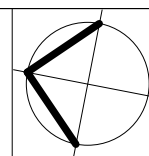
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Olympus Boulevard,
Wolli Creek NSW 2205
Nominated Architect:
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CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: 3D PERSPECTIVE VIEWS



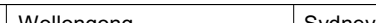
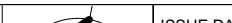
ISSUE DATE: 05.08.2022	PROJECT No. 2075
DRAWN: ML	DWG No. Rev. 500 P
SCALE: QA: RG/CS	

DEVELOPMENT APPLICATION

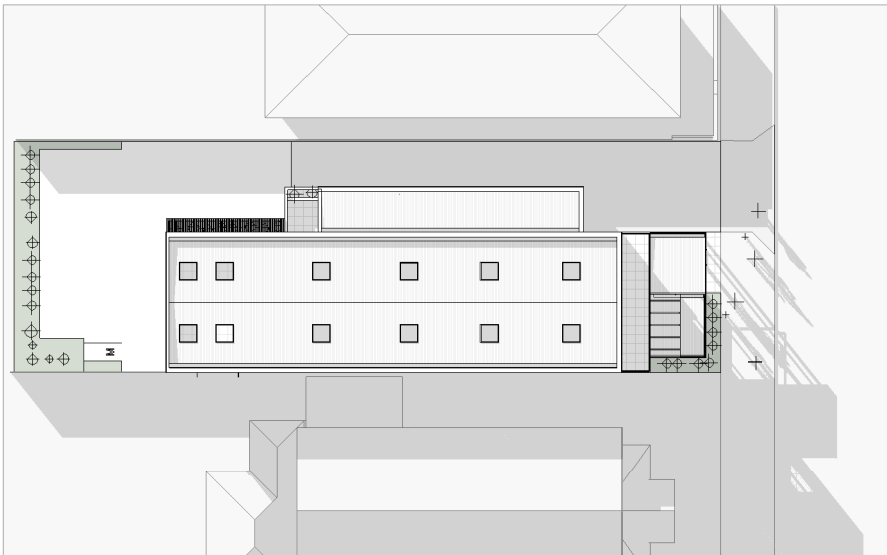


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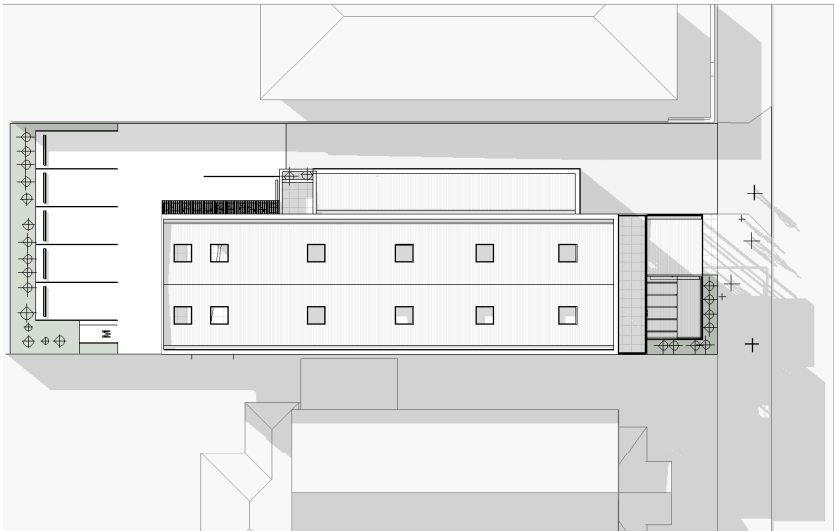
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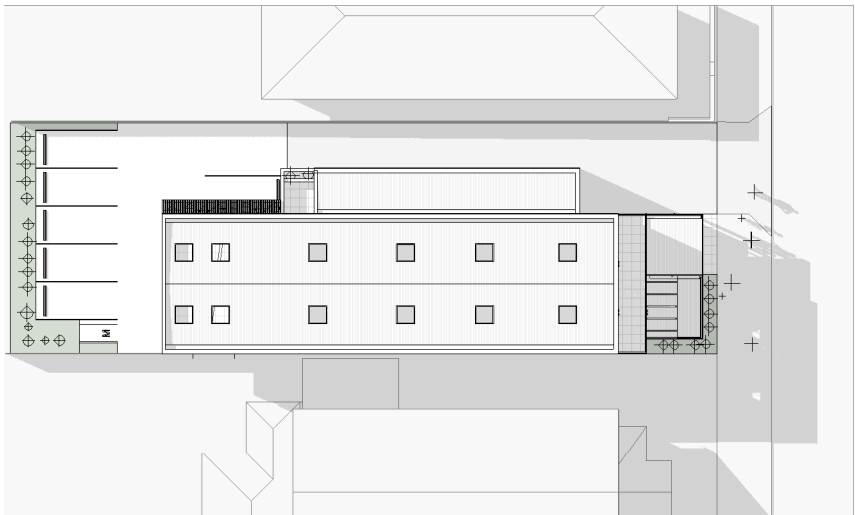
DEVELOPMENT APPLICATION



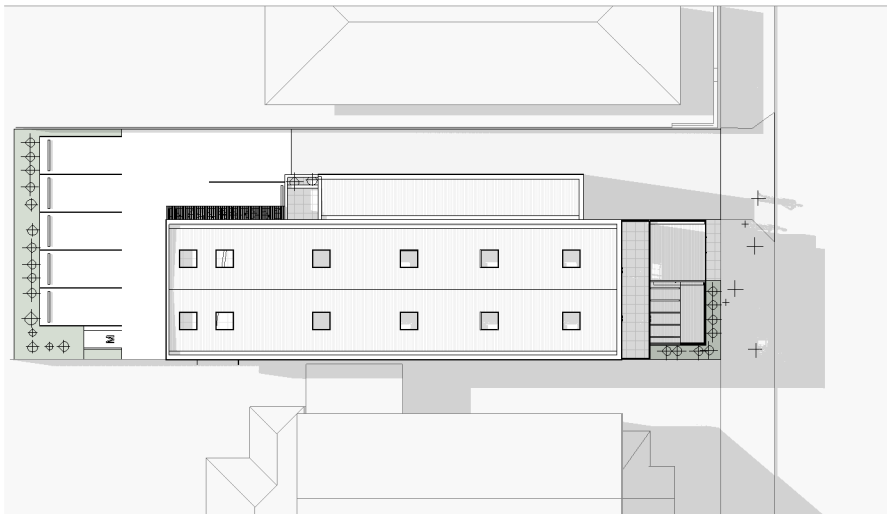
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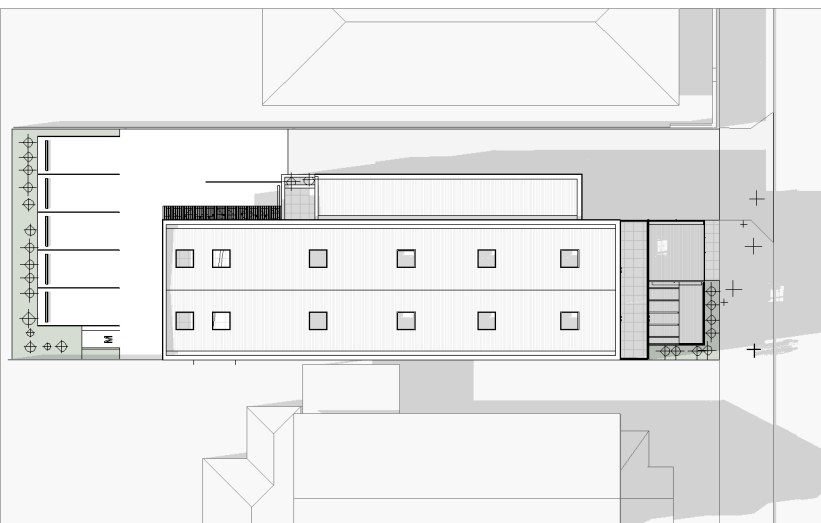
21/06 -10AM



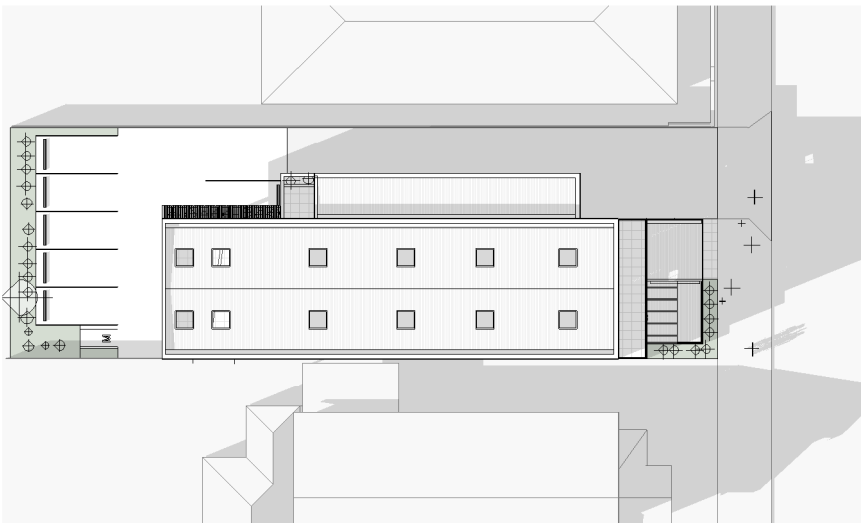
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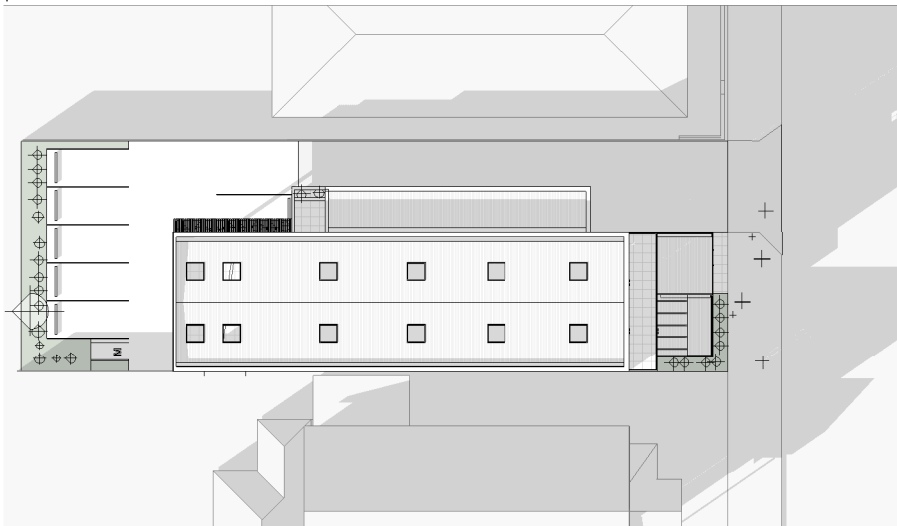
21/06 -12PM



21/06 -1PM



21/06 -2PM



21/06 -3PM

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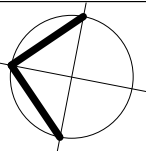
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Nominated Architect:
Robert Gizzi (Reg. 8286)

CLIENT: AJ YEAR PROPERTY
REDEVELOPMENT OPTIONS
ADDRESS: 254 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: SHADOW DIAGRAMS- JUNE 9AM-3PM



ISSUE DATE: 05.08.2022
DRAWN: ML
SCALE: RG/CS

PROJECT No. 2075
DWG No. 600
Rev. P

DEVELOPMENT APPLICATION







AMRUTTY
FOR LEASE
RARE LEASING OPPORTUNITY
Contact: Tony Platty 07 5508 1389
Contact: Jennifer Hobbs 0438 471 850

P30
8:30-6:00
8:30-12:00
NO STOPPING

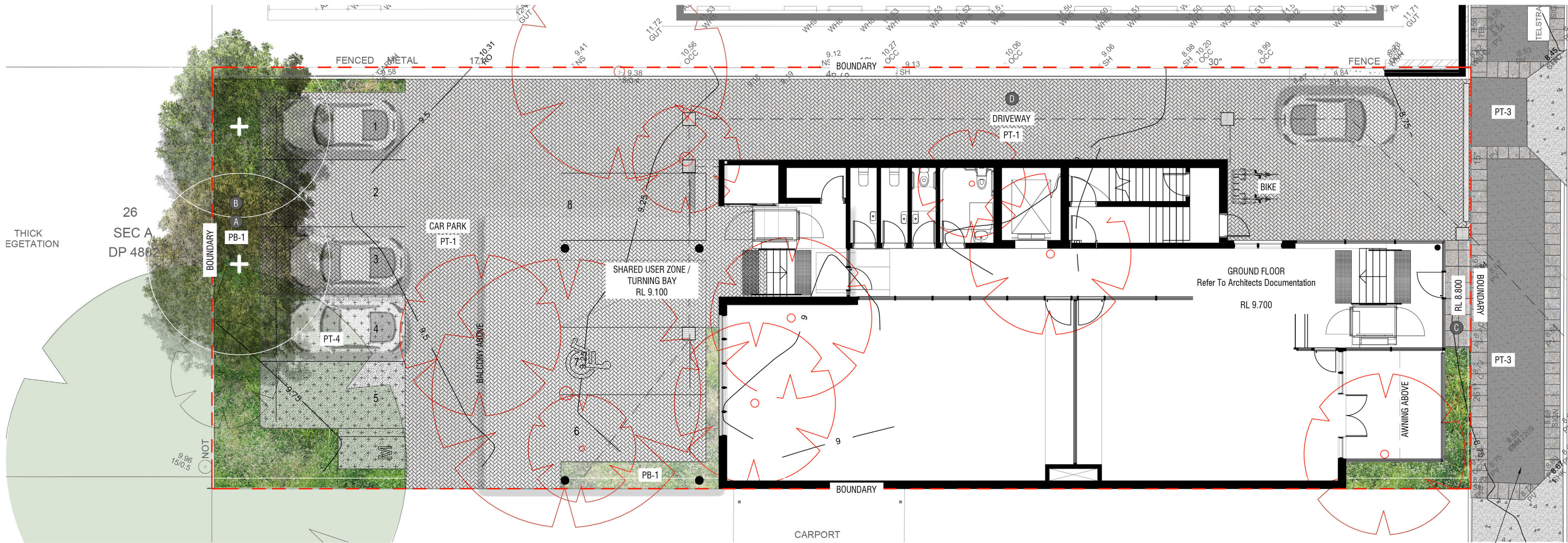
Buck Hamblin

para

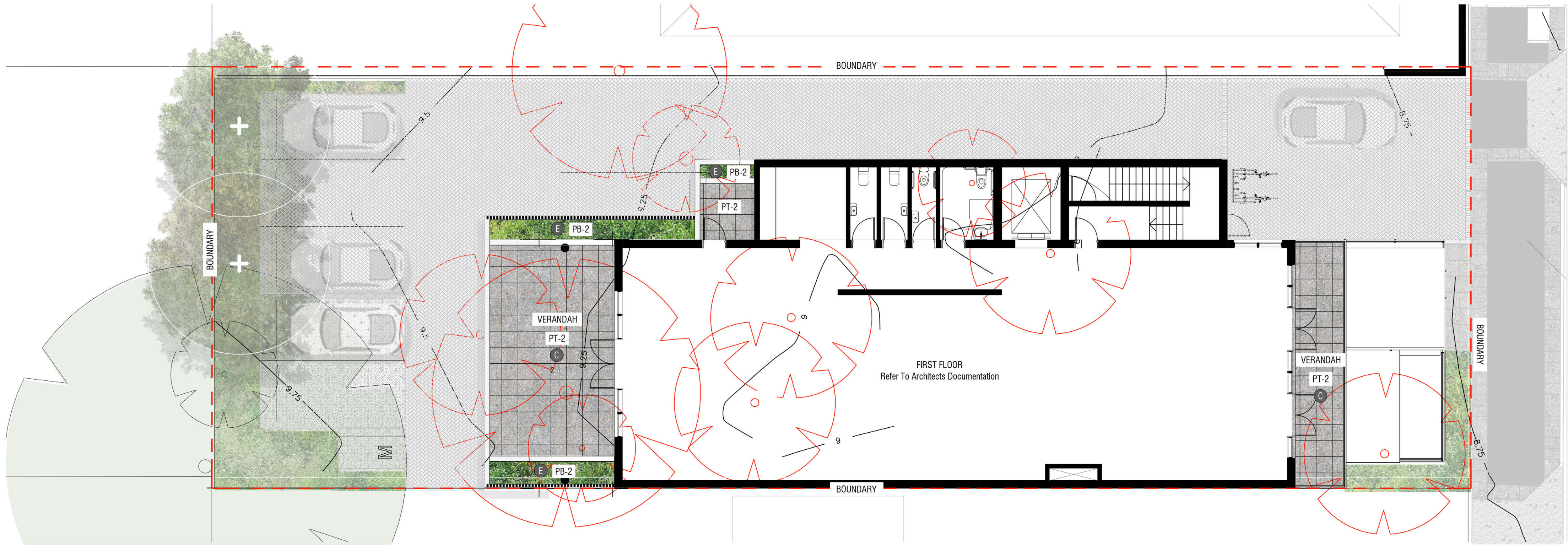
KEEP LEFT

IGA WHERE THE LOCALS MATTER

Welcome to IGA



GROUND FLOOR PLAN



FIRST FLOOR PLAN

LEGEND	
	SITE BOUNDARY Refer Project Survey Drawing
	EXISTING TREE TO BE REMOVED Refer Project Survey Drawing & Arborist Report
	EXISTING TREE TO BE RETAINED Refer Project Survey Drawing & Arborist Report
	STORM WATER LINE Refer Project Engineers Drawing
FINISHES - SOFTSCAPE	
	MASS PLANTING BED
	RAISED PLANTING BED
	NEW TREE PLANTING
FINISHES - HARDSCAPE	
	UNIT PAVING - TYPE 1 Trafficable Pavement
	UNIT PAVING - TYPE 2 Stacked-Bond Paver To Verandah
	UNIT PAVING - TYPE 3 Asphalt Paving With 400 x 600 Basalt Header Course & Concrete Ramp In Accordance With The Business Centres Public Domain Technical Manual
	ECO PAVING - TYPE 4 Flexible Pavement Surface To Proposed Car Park
RECOMMENDED SPECIES LIST	
BOTANICAL NAME	COMMON NAME
TREES	
<i>Cupaniopsis anacardiodes</i>	Tuckeroo
<i>Magnolia 'Teddy Bear'</i>	Dwarf Magnolia
<i>Tristanopsis laurina</i> 'Luscious'	Water gum
SHRUBS AND ACCENT PLANTS	
<i>Acmena 'Allyn Magic'</i>	Dwarf Lilly Pilly
<i>Agave attenuata</i>	Soft Leaf Agave
<i>Anthropodium</i> 'Matapouri Bay'	Renga Lilly
<i>Doryanthes excelsa</i>	Gymea Lily
<i>Gardenia augusta</i> 'Florida'	Florida Gardenia
<i>Philodendron 'Xanadu'</i>	Philodendron
<i>Sterilizilla reginae</i>	Birds of Paradise
<i>Westringia</i> 'Gray Box'	Coastal Rosemary
<i>Zamia furfuracea</i>	Cardboard plant
GROUND COVERS & GRASSES	
<i>Casuarina 'Cousin It'</i>	Casurina
<i>Convolvulus sabatius</i>	Ground Morning Glory
<i>Dichondra argentea</i> 'Silver Falls'	Dichondra
<i>Dichondra repens</i>	Kidney Weed
<i>Lomandra 'Tanika'</i>	Mat rush
<i>Liriope muscari</i> 'Evergreen Giant'	Lily Turf
<i>Myoporum parvifolium</i>	Creeping Boobialla
<i>Senecio serpens</i>	Blue chalk sticks
<i>Trachelospermum jasminoides</i>	Star Jasmine

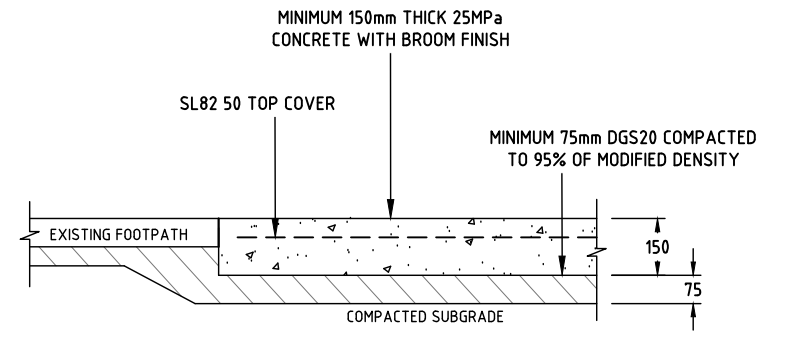


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						NOTES © COPYRIGHT - DRAWINGS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION. - DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE. - USE FIGURED DIMENSIONS - DO NOT SCALE FROM DRAWINGS. - CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK OR MAKING ANY SHOP DRAWINGS. ANY DISCREPANCIES TO BE REFERRED TO THE SUPERINTENDENT. - PROVIDE SAMPLES OF ANY SPECIFIED OR PREFERRED MATERIALS OR FINISHES (E.G. BRICKS, PAVERS) FOR SUPERINTENDENT'S APPROVAL PRIOR TO PLACING ORDERS.
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						 Suite 1, Ground Floor, Enterprise 1 Innovation Campus, Squares Way North Wollongong NSW 2500 Ph: 02 4258 3111 dbs@dsbla.com.au
						Project 254 LAWRENCE HARGRAVE DRIVE THIRROUL Client AJ YEAR PROPERTY c/- MMJ WOLLONGONG
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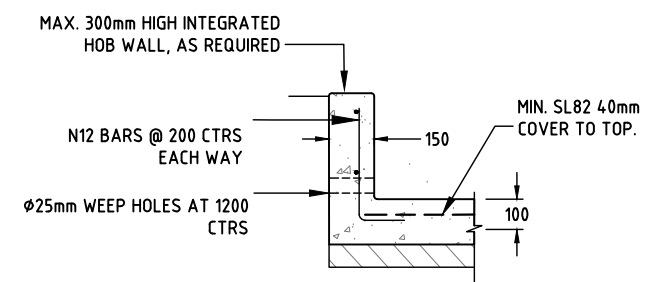
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TYPICAL DRIVEWAY CROSS-SECTION
SCALE 1:50



B TYPICAL PAVEMENT DETAIL
SCALE 1:20



C INTEGRATED HOB DETAIL
SCALE 1:25

ATTACHMENT 2 – Site Photos

Date: 13 April 2022

Description: Subject site as viewed from the Southern side of Lawrence Hargrave Drive



Date: 13 April 2022

Description: Adjoining property to the West of the subject site WLEP 2009 Heritage Item 6161 Former Methodist Church now Thirroul Post Office.



Date: 13 April 2022

Description: Adjoining property to the East.



Date: 13 April 2022

Description: View of street scape along Northern side of Lawrence Hargrave Drive. Photo taken from Southern side of Lawrence Hargrave Drive facing North west



Date: 13 April 2022

Description: View of street scape along Northern side of Lawrence Hargrave Drive.
Photo taken from Southern side of Lawrence Hargrave Drive facing North east



Date: 3 August 2022

Description: Adjoining residential development to the East of the subject site.



Date: 3 August 2022

Description: Subject site as viewed from front boundary.



Date: 3 August 2022

Description: WLEP 2009 Heritage Item 6161 Former Methodist Church now Thirroul Post Office as viewed from the front boundary of the subject site



Date: 3 August 2022

Description: WLEP 2009 Heritage Item 6161 Former Methodist Church now Thirroul Post Office as viewed from the footpath forward of the subject site



ATTACHMENT 3 - WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 ASSESSMENT

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

The applicant proposes a variation to the maximum building depth of the second storey Clause 14.1(c) in Chapter D12 of WDCP2009. See considerations table below.

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 14.1(c) Building Depth of Chapter D12 Thirroul Village of WDCP 2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The application proposes building depth of 25m for the first floor of the commercial premises.</p> <p>WDCP2009 Chapter D12 Clause 14.1(c) stipulates that a maximum 18 metre building depth is permitted for the second and third storeys to accommodate for residential or commercial uses unless otherwise indicated on the block diagrams.</p> <p>It is considered that the variation to the maximum building depth can be supported in this circumstance for the following reasons:</p> <ul style="list-style-type: none">• It is considered that the first floor can receive adequate solar access and cross ventilation;• The proposal will provide viability in the floor plate for business occupation;• Reasonable setbacks have been provided to the Eastern side and Northern rear boundaries of the site such that amenity impacts on adjoining residential development in regard to privacy and overshadowing are considered minimised;• The proposal is well below Council's floor Space Ratio and maximum Height of Building development standards;• Although the numerical requirements have not been strictly met in this circumstance it is considered that the objectives of the clause have been met ensuring adequate solar access and ventilation to the occupants and minimal impact on the street scene and on the amenity of the adjoining dwellings.
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The overall objective of the maximum building depth clause are:</p> <p><i>(a) Limit building depth above ground floor to 18 metres to enable both residential and commercial uses to achieve cross ventilation and solar access.</i></p> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p>

	<u>Council comment:</u> The development is not considered to be inconsistent with the above objectives.
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<u>Council comment:</u> The first floor can receive reasonable solar access and ventilation and the development is not considered to result in adverse impacts as a result of the variation.
Comment: The requested variation is considered capable of support.	

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

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

The proposal is for tree removal and construction of a two (2) storey commercial development. Therefore, an assessment of the proposal has been undertaken against the provisions of Chapter B4 of WDCP 2009 as detailed below.

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

Wollongong Development Control Plan 2009			
Control	Required	Proposed	Compliance
B4: Development in Business Zones			
Retail and Business centre hierarchy	Thirroul – Town centre		
7 Planning requirements for development in the town centres	7.2 Thirroul Town Centre. Any new retail or business development shall be contained within the existing retail and business centre of Thirroul. Any new retail or non-	The subject site is within the existing retail and business centre of Thirroul. The scale of the development	Yes

	retail development should be designed to provide improved physical cohesion, accessibility, environmental amenity and town centre identity.	as viewed from the street is considered comparable to other developments in the locality and is considered to provide improved physical cohesion, accessibility and environmental amenity.	Yes
9.2.1 Floor configuration	<p>Ground floor at level determined by existing footpath levels.</p> <p>Any retail premises of less than 200m² in gross floor area should generally have a depth to width ratio ranging between 1:1 and a maximum 3:1.</p> <p>The max building depth for ground floor retail or commercial office development 20 metres with openings on one side only.</p> <p>The max building depth for retail or office building with openings on two or more side 30 metres</p> <p>Any residential storeys in a building shall have a maximum building depth of 18 metres</p> <p>Floor to ceiling height 3.3m.</p> <p>The retail frontage at street level for individual retail shops/units to match the existing traditional retail shop pattern</p> <p>Where sites are amalgamated, the design of any new building should express the existing/ prevalent lot structure in the</p>	<p>Ground floor matches existing footpath levels.</p> <p>GFA greater than 200m²</p> <p>N/A The building depth is 27m and openings on two (2) sides provided.</p> <p>The ground floor commercial space has openings on two (2) sides. The depth is less than 30m.</p> <p>N/A.</p> <p>3.6m as indicated on section plan.</p> <p>The proposal is for commercial spaces. However, it is note that the ground floor provides for a single building frontage similar to the existing shop pattern.</p> <p>N/A. No lot amalgamation is proposed</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

	immediate locality.		
9.2.2 Building appearance	New retail or business development shall continue the predominant built form character of the locality.	The façade is supported by Council's Heritage Officer noting that generally the proposed materials are considered an acceptable mix of contemporary materials that are sympathetic to the heritage item including timber and glass is generally supported.	Yes
	For large buildings including multi-storey mixed use buildings, the treatment of the facades should be designed to provide character, visual legibility and human scale and to delineate the distinct uses.	N/A. Proposal is for two (2) storey commercial building	N/A
	The external building materials and finishes of any retail or business development should be sympathetic to the existing fabric and character of buildings within that retail and business precinct.	Generally, the proposed materials are considered an acceptable mix of contemporary materials that are sympathetic to the heritage item including timber and glass is generally supported.	Yes
	New buildings should maintain the balance of horizontal and vertical proportions of other existing buildings in the locality.	The horizontal and vertical proportions on ground and first floor level at the street are compatible with surrounding two storey buildings.	Yes
	The profile of parapets and roof top elements should be integrated in the overall roof design of the building.	Parapets and roof top elements are integrated in the overall roof design.	Yes
	Highly reflective finishes, reflective glass and curtain wall glazing are not permitted above	No highly reflective finishes or reflective glazing is proposed above ground floor level.	Yes

	<p>ground floor level.</p> <p>New development must be accompanied by a schedule of proposed external building materials and finishes to be used on the external facades of the building.</p>	<p>Schedule of materials and finishes provided.</p>	<p>Yes</p> <p>Yes</p>
9.2.3 Building alignment	<p>Buildings should be aligned with footpaths to create spatial enclosure and a sense of place.</p> <p>Retail or business uses only at the ground floor.</p>	<p>Building aligns with footpath</p> <p>Commercial uses on ground floor</p>	<p>Yes</p> <p>Yes</p>
9.2.4 Active street frontage	<p>Mixed use buildings to provide ground floor active street frontages.</p> <p>No more than 5 metres of ground floor wall without door or window.</p> <p>Windows should make up at least 50% of the ground floor.</p> <p>Display windows with a maximum window sill height of 0.7m above finished ground level.</p>	<p>Active street frontage provided</p> <p>Windows and doors less than 5m apart on elevation</p> <p>Elevations demonstrate greater than 50% of ground floor façade consists of windows</p> <p>Windows start from finished floor level</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
9.2.5 Urban design/streetscape appearance	<p>Development should be sympathetic with adjoining buildings.</p> <p>The parapet height of any retail or business premises building must</p>	<p>The façade is supported by Council's Heritage Officer noting that generally the proposed materials are considered an acceptable mix of contemporary materials that are sympathetic to the heritage item including timber and glass is generally supported.</p> <p>The parapet height is similar to the existing parapet heights of buildings along the</p>	<p>Yes</p>

	<p>be consistent with the parapet height of the surrounding streetscape of the locality.</p> <p>Highly articulated facades.</p> <p>The horizontal form of any building should also be broken up vertically.</p> <p>Any retail or commercial office building must be designed to provide active street frontages on the ground floor level of the building to all street frontages.</p> <p>External materials - High quality and durable, low maintenance costs, no highly reflective finishes, details to be provided.</p>	<p>Lawrence Hargrave Drive in the immediate vicinity.</p> <p>Building is articulated along front façade.</p> <p>Design is appropriate</p> <p>Active street frontage to Lawrence Hargrave Drive is provided</p> <p>External materials acceptable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
9.2.6 Pedestrian access	<p>Direct pedestrian access and visual inspection should be provided from the front of the building, to encourage active street frontage to retail shops and business premises.</p>	<p>Direct pedestrian access from street on ground floor provided</p> <p>Direct pedestrian access to commercial on upper floors demonstrated</p>	<p>Yes</p>
9.2.7 Awnings	<p>Continuous awnings where required</p>	<p>Continuous awning not required</p>	<p>N/A</p>
9.2.8 Public domain – Footpath paving	<p>Proposal may need to include upgrade to public domain.</p>	<p>Footpath paving details appropriate.</p>	<p>Yes</p>
9.2.9 Solar access and overshadowing	<p>Proposal should minimise overshadowing and maximise solar access to adjoining residential properties and public</p>	<p>It is considered that the proposed development will have minimal impact on adjoining dwellings in terms of Solar Access as reasonable setbacks and building heights</p>	<p>Yes</p>

	domain	have been maintained.	
	Shadow diagrams required	Shadow diagrams provided.	
9.2.13 Access, car parking and servicing	Refer to E3	Refer to Chapter E3	Refer to Chapter E3
9.2.14 Access for people with a disability	Chapter E1	The proposed development it is considered satisfies AS1428.1 and 1428.2 providing accessibility into the building, a dedicated parking space adjacent to the building and accessible sanitary facilities. A condition shall be imposed on the consent to ensure ongoing compliance with the DDA and Access standards.	Yes
9.2.15 Land consolidation	Land consolidation required where development spans several lots.	Not Applicable. The proposed development is located on a single lot.	N/A

CHAPTER D1 – CHARACTER STATEMENTS

Thirroul

Chapter D1 indicates that Thirroul is the focal retail, business and cultural point for residents of the northern suburbs and should retain its strong identity as a low rise village centre. Thirroul should continue to feature a combination of unique specialty retail shops, cafes, restaurants and other businesses.

The significance of the village centre as a retail and business precinct will be strengthened through the consolidation of existing retail and business centre and the continued encouragement of active front shops.

The proposal is for a new two (2) storey commercial development with an active street frontage. Development within the immediate vicinity on the Northern side of Lawrence Hargrave Drive in the immediate vicinity is characterised by a mixture of land uses including one and two storey retail and commercial development and residential development. The street scene on the Southern side of the Princes Highway is characterised by retail development and residential development. Adjoining development consists of a multi dwelling housing development to the East, Thirroul Post Office to the West and residential development to the rear. Therefore, the proposed development will have minimal impact on the existing streetscape and character of the area.

The proposed development is a permissible use in the B2 zone and reasonably satisfies controls for commercial development under Wollongong Development Control Plan 2009. The proposal is considered to not detract from the existing character of Thirroul and is compatible with the desired future character for the locality.

CHAPTER D12: THIRROUL

The proposal is considered to be consistent with the existing and desired future character for the locality. The proposed commercial premises will add to the variety of uses within the village precinct with minimal

impact on the existing parking and traffic flow. The proposal is for a new two (2) storey commercial development with an active street frontage that will have minimal impact on the on the existing streetscape and character of the area. The street setback has been provided upon the recommendation of Council's Heritage Officer so as to facilitate views to and minimise visual impacts on the adjoining Heritage Item to the West.

The proposal does involve a variation to the maximum building depth of the first floor Clause 14.1(c) Building Depth of Chapter D12 Thirroul Village of WDCP 2009. A variation request statement with justification has been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009 and is included at **Attachment 4**. This variation has been considered and is capable of support in this instance as discussed at Chapter A1 above.

The proposed development is a permissible use in the B2 zone and is considered to satisfy the objectives and controls of Thirroul Village Centre in this circumstance

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The proposed development it is considered satisfies AS1428.1 and 1428.2 providing accessibility into the building, a dedicated parking space adjacent to the building and accessible sanitary facilities. A condition shall be imposed on the consent to ensure ongoing compliance with the DDA and Access standards.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	It is considered that the proposed development will improve existing lighting conditions on the subject site. A condition as at Attachment 6 is proposed in regard to providing adequate general area lighting.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The proposed development will improve natural surveillance and sight lines of adjoining properties and the street.	Yes
<u>3.3 Signage</u>	No signage is proposed with this application and the proposed development will have minimal impact on the existing signage within the vicinity.	Yes
<u>3.4 Building design</u>	It is considered that the development allows for casual surveillance in all directions. It is considered that the proposed development satisfies Council's building design policies and controls for Crime Prevention Through Environmental Design as relates to minimising areas of entrapment.	Yes
<u>3.5 Landscaping</u>	The proposal is considered to satisfy the landscaping controls for CPTED in this circumstance as relates to minimising areas of concealment.	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
	Council's Landscape Officer has reviewed the proposed landscaping and raised no objections.	
<u>3.6 Public open space and parks.</u>	The proposal is for a commercial premises development only on privately owned land.	N/A
<u>3.7 Community facilities & Public Amenities</u>	The proposal is for a commercial premises development only on privately owned land.	N/A
<u>3.8 Bus stops and taxi ranks</u>	Not Applicable. The subject site is not opposite a bus stop or taxi rank.	N/A

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

<u>Control</u>	Proposed	Compliance
<u>Commercial</u> Car parking 1 car parking space per 40m ² of GFA – business premises/office premises	Commercial 469.7m ² /40m ² = 11.74 car parking spaces required. <u>Clause 7.4</u> 30% reduction applied in City Wide = 8.21 car parking spaces required 8 commercial car parking spaces provided	Yes
Bicycle parking Retail/business/office premises 1 bicycle space per 200m ² GFA for staff plus 1 bicycle space per 750m ² GFA for visitors	= 4 staff bicycle spaces required. 4 bicycle spaces provided adjacent to front driveway and entrance.	Yes
Motorcycle parking Commercial premises 1 motorcycle space per 25 car parking spaces	8 = 1 motorcycle space required 1 motorcycle space provided.	Yes

CHAPTER E6: LANDSCAPING

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

CHAPTER E7: WASTE MANAGEMENT

Council's Traffic Officer has assessed the proposal against the requirements of this Chapter. A Site Waste Minimisation and Management Plan was submitted with the application and waste servicing arrangements are satisfactory.

A site waste minimisation and management plan formed part of the application submission.

On street collection is proposed to be utilised. This arrangement is considered appropriate for the subject site and capable of support.

Council's Traffic Officer has reviewed the proposal providing conditionally satisfactory referral advice.

CHAPTER E11 HERITAGE CONSERVATION

The subject site adjoins WLEP 2009 Local Heritage Item 6161 Former Methodist Church now Thirroul Post Office and is within the vicinity of WLEP 2009 Local Heritage Item 6155 Former Kings Theatre. Details of the application were referred to Council's Heritage Officer for comment.

Council's Heritage Officer raised concerns with particular regard to visual impacts on the adjoining heritage item (WLEP 2009 Heritage Item 6161 Former Methodist Church now Thirroul Post Office) and views from the public domain to the Illawarra Escarpment. The applicant was requested to provide amended plans to reduce the overall height of the development and increase the front setback of the proposed development. Amended plans were provided that reduced the overall height of the proposed development, increased the front setback of the first floor and provided visual permeability to the front façade of the buildings ground floor so as to minimise visual impacts on the adjoining heritage item and facilitate views to the Illawarra Escarpment. The amended plans have been reviewed by Council's Heritage Officer and are considered to resolve concerns raised.

CHAPTER E13 FLOODPLAIN MANAGEMENT

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

CHAPTER E14 STORMWATER MANAGEMENT

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

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The application proposes the removal of several trees to facilitate the proposal. Council's Landscape Officer has assessed the application submission, which included an Arborist Report. Conditionally satisfactory referral advice was received.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves minor earthworks to facilitate the development. Information regarding the earthworks to reshape the land were submitted with the application.

The application was referred to Council's Development Engineering and Environment Officers for comment and no objections were raised in relation to this matter subject to conditions of consent included at **Attachment 6**. Therefore, it is considered that the earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

A Preliminary Site Investigation prepared by Douglas Partners dated March 2021 was submitted and

reviewed by Council's Environmental Officer.

The results of the DSI provided the following conclusions:

- Isolated PACM fragments were observed on the surface of the site;
- ACM was detected in a small stockpile present in the northern portion of the site; and
- FA / AF was detected in the shallow fill encountered in the southern portion of the site.
- No chemical contamination has been identified that would warrant any further investigation or remediation / management;

Based on the results of the DSI the following recommendations were made:

- An inspection of the building footprint should be undertaken following demolition to visually assess for signs of potential contamination;
- Any surficial ACM should be analysed and removed via hand picking and a clearance inspection and certificate should be undertaken by an environmental consultant / hygienist upon completion;
- The stockpile in the northern portion of the site should be disposed off-site as Special Waste (Asbestos);
- The fill in the southern portion of the site should be disposed off-site as Special Waste (Asbestos);
- A clearance inspection and certificate should be undertaken by an environmental consultant / hygienist upon completion of all disposal works;
- As a matter of due diligence, an unexpected finds protocol (UFP) should be prepared;

The DSI has stated subject to the implementation of the above recommendations it is considered that the site can be rendered compatible with the proposed development.

In accordance with Clause 4.6(2) Council's Environmental Officer has reviewed the history of the site in conjunction with the report prepared by Douglas and Partners and notes that bore holes BH1 and BH6 indicate the top 10cm of soils are contaminated with asbestos fragments. The metal and organics analysis results indicate they are within acceptable limits for the proposed development (commercial). Conditions are included at **Attachment 6** for unexpected finds protocol, asbestos hazard management strategy and waste management to ensure the site is suitable for the proposed development so as to satisfy Clause 4.6(1)(c).

The site is therefore considered that the site can be made suitable for the proposed development and consistent with the assessment considerations of SEPP (Resilience & Hazards) 2021. See **Attachment 6** as relates to the environmental consultants address to clause 4.6 matters.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

ATTACHMENT 4 - Clause 8 Variation to Development Control Statement



	be permitted only within the core retail area (north precinct).	
12.2 Strategies	<p>a) Enhance the definition of public spaces in the Village Centre by maintaining a zero front setback and consistent built edges.</p> <p>b) Provide rear setbacks so that laneways and/or driveways can be implemented.</p> <p>c) Design and articulate buildings with strong vertical proportions, reflective of the existing buildings in the Village Centre.</p> <p>d) Promote a two storey built form within the southern part of the Village Centre.</p> <p>e) Promote a three storey built form with a two storey street wall within the core retail area in the northern part of the Village Centre to maintain a village scale.</p> <p>f) Enhance and improve street character through providing increased setbacks in the Thirroul Plaza and Beaches Hotel vicinity so that access and visual appearance throughout the northern section of the Village Centre is maintained.</p> <p>g) Accommodate retail and commercial uses by allowing deeper building footprints for the retail component within buildings, but maintain the town centre's character by avoiding 'big box' built form typology.</p> <p>h) Limit building depth above ground floor to 18 metres to enable both residential and commercial uses to achieve cross ventilation and solar access.</p>	<p>The building adopts a zero front setback for the most part, but steps in for pedestrian access and the adjacent heritage item.</p> <p>A notable rear setback is provided and includes parking on the site</p> <p>The articulation is appropriate for the streetscape and the adjoining heritage item.</p> <p>The site is located within the northern precinct.</p> <p>The development proposes a two (2) storey commercial premises only.</p> <p>The site is well north of Thirroul Plaza and Beaches Hotel vicinity</p> <p>The floor plate is appropriate for a mix of uses and avoiding 'big box' built form typology, and modest for this small site.</p> <p>The building depth of the upper level does exceed 18m slightly, being at approx. 25m. However, this is essential given the small site and a need to create some viability in the floor plate for business occupation. The FSR for the site is notably below the maximum permitted 1.5:1 threshold (two-thirds below), and a deeper floor plate is required given the</p>

		<p>narrow lot and setbacks to the east offered.</p> <p>Notwithstanding this, it is noted that the objective of this control is to achieve adequate cross ventilation and solar access to the upper level floor area still. Given the layout and location of windows to the upper level (north, south and east in part) the majority of the upper floor will still be within 10 metres from a natural light source, which is considered adequate with regards to solar access. The positioning and size of windows throughout the upper level will allow for adequate cross flow ventilation in the summer months. On this basis, the minor variation is deemed justified in accordance with Chapter A1 of Council's DCP.</p>
13 BUILDING HEIGHT		
13.1 General	<p>1. Building heights contribute to enhancing view corridors, emphasising the identity and legibility to significant structures, as well as framing important views and vistas. Coordinating the scale of buildings can also assist in the development of street character. In this regard, Thirroul Village Centre is best served by a uniform building height and scale that relates well to each other and provides appropriate definition to the street.</p>	<p>The development proposes a two (2) storey commercial premises consistent with the required built form in the northern precinct. The visual image of the building responds to the adjacent heritage item to provide a more traditional coastal character at this setting.</p>
13.2 Development Controls	<p>Building Heights</p> <p>a) Building height is limited to two storeys except where specified in Figure 10.</p> <p>Floor to Floor Heights</p> <p>a) The ground floor of a retail development must have a floor-to floor height of no more than 4.5 metres (minimum height of 4.2 metres floor to ceiling).</p>	<p>The development proposes a two (2) storey commercial premises</p> <p>Ground Floor: 3.6m</p>

ATTACHMENT 5 – Extract from DSI by Douglas Partners

13. Conclusions and Recommendations

Based on the results of the DSI, the following conclusions are made:

- Isolated PACM fragments were observed on the surface of the site;
- ACM was detected in a small stockpile present in the northern portion of the site; and
- FA / AF was detected in the shallow fill encountered in the southern portion of the site.
- No chemical contamination has been identified that would warrant any further investigation or remediation / management.

Based on the results of the DSI and the comments provided in Section 11, the following recommendations are made:

- An inspection of the building footprint should be undertaken following demolition to visually assess for signs of potential contamination;
- Any surficial ACM should be analysed and removed via hand picking and a clearance inspection and certificate should be undertaken by an environmental consultant / hygienist upon completion;
- The stockpile in the northern portion of the site should be disposed off-site as Special Waste (Asbestos);
- The fill in the southern portion of the site should be disposed off-site as Special Waste (Asbestos)
- A clearance inspection and certificate should be undertaken by an environmental consultant / hygienist upon completion of all disposal works;
- As a matter of due diligence, an unexpected finds protocol (UFP) should be prepared;

Subject to the implementation of the above recommendations it is considered that the site can be rendered compatible with the proposed development.

ATTACHMENT 6 - DRAFT CONDITIONS FOR: DA-2021/1384

For Office Use Only – Do Not Mail

Consent has been granted subject to the following conditions:

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
100	P	Ground Floor Plan	DWA	5 August 2022
101	P	Level 1 Floor Plan	DWA	5 August 2022
102	P	Roof Plan	DWA	5 August 2022
300	P	Elevations (South/East)	DWA	5 August 2022
301	P	Elevations	DWA	5 August 2022
400	P	Sections	DWA	5 August 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

General Conditions

2. Transport for NSW (TfNSW)

Requirements from TfNSW dated the 21 April 2022 as attached shall form part of this Notice of Determination.

3. Initial Use of Occupancies

This consent does not grant approval for the use of the proposed occupancies once constructed. The use of the separate occupancies will require separate approval by Council.

4. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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 Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

5. Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS 1428.1:2009: Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

6. 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 an Environmental Planning Instrument.

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.

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 Retention/Removal

The developer shall retain existing trees indicated on Concept Landscape Plan by dsb dated 15 November 2021 Dwg. No. 4112-F101 Rev. B, Arborist's Report dated September 2021 Ref. No. 4494 by Allied Tree Consultancy Authors: Warwick Varley & Geoff Beisler and Ground Floor and First Floor Plan by DWA Issue M dated 28 January 22 consisting of tree numbered 12 on the property and trees numbered 10, 11, 13 and 14 on adjacent property. Total number: five (5 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 AS 4970:2009 Protection of Trees on development Sites.

Recommendations in arborist report to be implemented including and not restricted to: transplanting, 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 transplant trees numbered 3 and 5 Total number: two (2 No.) to an appropriate location on site by an experienced and qualified contractor.

The developer shall remove existing trees numbered 1, 2, 4, 6, 7, 8 and 9. Total number: seven (7 No.). No other trees shall be removed without prior written approval of Council

9. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$13,827.67 (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 proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution amount go www.wollongong.nsw.gov/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.gov.au.

Before the Issue of a Construction Certificate

10. Max Vehicle Size Signage

The development must provide signage at the driveway entrance restricting the maximum length of all vehicles to enter the site to 5.2 metres. Signage which states this restriction must be located wholly within the curtilage of the site, clearly visible to all drivers from the road, and designed to the satisfaction of the Development Engineering Section. Details of such compliance are to be reflected on the Construction Certificate plans.

The development must provide signage at the driveway entrance restricting the maximum length of all vehicles to enter the site to 5.2 metres. Signage which states this restriction must be located wholly within the curtilage of the site, clearly visible to all drivers from the road, and designed to the satisfaction of the Development Engineering Section. Details of such compliance are to be reflected on the Construction Certificate plans.

11. Unexpected Finding Protocol (UFP)

Unexpected contamination and "hotspots" Sometimes site contamination is not expected and is detected after work commences. Excavations may uncover buried asbestos, other materials. Unexpected contamination or hotspots on a site should be taken into account for any site health and safety plan. Precautions should be included in the plan, including:

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

UFP must be prepared by environmental consultant and copy of UFP must be submitted to Principal Certifier.

12. Utilities and Services

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the Certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

13. Present Plans to Sydney Water

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

The 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 or telephone 13 20 92 for further information.

14. Fencing

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

- a. rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped, palisade or colorbond fences;
- b. 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;
- c. fencing to suit character of local area.

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

15. Glass Reflectivity Index

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

16. Crime Prevention Through Environmental Design (CPTED) - Landscaping

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

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

This requirement shall be reflected on the Construction Certificate plans.

17. Crime Prevention Through Environmental Design (CPTED) - Light Spillage Mitigation

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

18. Car Parking and Access

The development shall make provision for a total of eight [8] car parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a Section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

19. Parking Dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

20. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

21. Depth and Location of Services

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.

22. Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier, 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, *Backhousia 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 Thirroul 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. planting to be adjusted for tree transplanting; 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.

23. Landscape Maintenance Plan

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.

24. Compensatory Plantings

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, seven (7 No.) 75 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: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, 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.

25. Tree Protection and Management

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

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier 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 Certifier indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

26. Stormwater Connection to Kerb

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

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 *General Property Addressing Request* through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Construction Certificate. Please allow up to five (5) business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

28. Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development is one (1 No.) *Brachychiton acerifolius* Illawarra Flame Tree 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 design is to form part of the Construction Certificate drawings. The detailed drainage design must satisfy the following requirements:

- a. be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept

plan/s lodged for development approval, prepared by Site Plus (dwg no: 21143.DA.C01, rev: C, dated: 18/08/2021.)

- b. includes details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

30. Flood Level Requirements

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

- a. Habitable floor levels must be constructed at a minimum of RL 9.70 metres AHD.
- b. Any portion of the building or structure below RL 9.70 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- c. The proposed building shall be designed to withstand the forces of floodwater, debris and buoyancy up to RL 9.90metres AHD.

31. Site Filling

Filling on the site being within the floodplain shall be restricted to within the proposed building footprint and ramped areas. No other increases in ground surface levels on the site within the floodplain are permitted unless an equivalent compensatory volume is removed from the floodplain within the confines of the site. This requirement shall be reflected on the Construction Certificate plans.

32. Council Footpath Reserve Works – Driveways and Crossings

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

33. Dilapidation Report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be

observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

34. Schedule of External Building Materials/Finishes - Heritage

The final details of the proposed external treatment/appearance of the development including a schedule of building materials and external finishes (including the type and colour of the finishes) shall be submitted for the separate approval of Wollongong City Council Heritage Officers, prior to the release of the Construction Certificate.

The proposed materials are considered an acceptable mix of contemporary materials that are sympathetic to the heritage item including timber and glass is generally supported. However the colour scheme is very similar to the heritage item and should be updated to provide some contrast or additional articulation of detail.

35. Foyer and Front Balustrade Glazing

Clear glazing shall be used to the front entry foyer and glass balustrades forward of the front facade.

These details shall be provided on the Construction Certificate plans.

Before the Commencement of Building Work

36. Hazardous Material Survey

At least one (1) week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a. the location of hazardous materials throughout the site;
- b. a description of the hazardous material;
- c. the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d. an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f. identification of the disposal sites to which the hazardous materials will be taken.

37. Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<https://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier prior to the commencement of any works).

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

38. 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.

39. Waste Management

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

40. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

41. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

42. 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.

- a. Each toilet provided must be:
- b. a standard flushing toilet; and
- c. 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.

43. Structural Engineer's Details

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

44. 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.

45. Hoardings (within any Public Road Reserve)

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Works and Services Division Design Standard, and must satisfy the

requirements of the Occupational Health and Safety Act, the Occupational Health and Safety Regulations and Australian Standard AS 2601. This application must be submitted to Council's Works and Services Division, and a permit obtained, before the erection of any such hoarding or fence.

46. Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

47. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

48. Tree Protection and Management

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

- a. installation of Tree Protection Fencing - protective fencing shall be 1.8m 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 75mm 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.

49. 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.

50. Adjustment to Public Utility Service

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

51. 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.

52. Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient:

- a. A hoarding or fence must be erected between the work site and the public place;
- b. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d. Safe pedestrian access must be maintained at all times;
- e. Any such hoarding, fence or awning is to be removed when the work has been completed.

53. 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.

While Building Work is Being Carried Out

54. 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 (<https://www.safework.nsw.gov.au>).

55. Asbestos Clearance Certificate

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of renovations (or prior to the Occupation Certificate being issued).

56. 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.

57. Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter Acid Sulfate Soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

58. 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.

59. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

60. Survey Report for Floor Levels

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

61. 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.

62. Copy of Consent in the Possession of Person carrying out Tree Removal

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

63. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved 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; and

- 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*.

64. Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

- a. Encroach onto the adjoining properties, and
- b. adversely affect the adjoining properties with surface run-off.

65. Cut and Fill Retained

All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H:1V.

66. Excavation Protection and Notification

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

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and
- c. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

67. 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.

68. 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.

69. Podium Planting

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

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

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

70. Loading/Unloading Operations/Activities

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

Before the Issue of an Occupation Certificate

71. Preservation of Survey Marks

Before the issue of an Occupation Certificate, a registered surveyor must submit documentation to the Principal Certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or

- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 - Preservation of Survey Infrastructure.

72. Section 73 Certificate

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

73. Fire Safety Certificate

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

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

74. Drainage

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

75. 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.

76. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied that all landscape and tree works, including pruning in accordance with *AS 4373:2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

77. Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard, Probable Maximum Flood (PMF) or PMF plus freeboard being RL 9.90 metres AHD or greater.

78. Completion of Landscape Works on Council Owned or Controlled Land

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

79. Arborist Verification – Street Tree Installation

Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:

- a. The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use.

- b. The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

80. Heritage – Interpretation Signage

The applicant is to prepare interpretative material to be included on a small sign on the road frontage or within the lobby area, in a publicly visible location. The sign should provide a brief history of the site and its role as the former “Thirroul Social Club” and has been identified on the page Thirroul History in Photos a number of times as an important building to the local community in the Thirroul Village including a photo of the demolished residence. Details of the proposed sign including content, materials, presentation of images and placement on site, should be provided to Council’s Heritage Staff for written approval prior to installation. The interpretive material is to be installed prior to the release of the Occupation Certificate.

Occupation and Ongoing Use

81. Max Vehicle Size

All site servicing and deliveries are to be carried out by a vehicle no larger than a standard sized vehicle (B99) (max 5.2 metres in length).

All site servicing and deliveries are to be carried out by a vehicle no larger than a standard sized vehicle (B99) (max 5.2 metres in length).

82. Noise Restrictions on Industrial Development

The noise (LAeq (15min)) emanating from commercial developments must not exceed 5 dB(A) above the background noise level (LA90 (15min)) of the area at any boundary of the land.

83. Offensive Odours

The applicant must not cause or permit the emission of offensive odours from the premises.

84. Waste Management

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

85. Restricted Hours of Operation

The hours of operation for the development shall be restricted 7:00am to 6:00pm Monday to Friday and 7:00am to 3:00pm Saturday, Sunday and public holidays. Any alteration to the approved hours of operation will require separate Council approval.

86. CCTV

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

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.

21 April 2022

Our Ref: STH21/00170/02
Your Ref: DA-2021/1384 (CNR-32470)

Maria Byrne
Wollongong City Council
BY EMAIL: mbyrne@wollongong.nsw.gov.au
CC: records@wollongong.nsw.gov.au

**DA-2021/1384, CONSTRUCTION OF A NEW TWO-STOREY COMMERCIAL BUILDING, LOT:
13 A DP: 4882, 254 LAWRENCE HARGRAVE DRIVE, THIRROUL**

I refer to the abovementioned Development Application (DA) referred to Transport for NSW (TfNSW) on 5 April 2022.

TfNSW has completed an assessment of the DA, based on the information provided and focusing on the impact to the state road network. TfNSW notes for this DA:

- The key state road is Lawrence Hargrave Drive;
- Council is seeking advice from TfNSW to assist in its assessment under Section 2.118 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- The proposed access arrangements shown in **Attachment 1**;
- Council will need to be satisfied the internal access and rear parking area is sufficient to accommodate a service vehicle to enter and exit the site in a forward direction;
- Council will need to be satisfied that the width of the internal driveway is sufficient to accommodate vehicles accessing the parking to the rear of the site and there is sufficient space for a vehicle to enter and exit in a forward direction (e.g. should all the car parking be occupied);
- The driveway shown on the architectural plans differs from the driveway on the civil drawings. A condition of consent has been recommended to ensure the plans are updated to be consistent with one another and comply with relevant standards; and
- TfNSW concurrence under Section 138 of the *Roads Act 1993* is required for the new driveway and other works within the Lawrence Hargrave Drive road reserve.

Having regard for the above, TfNSW will not object to the DA subject to the conditions outlined in **Attachment 2** being included in the conditions of development consent.

TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act, 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

If you have any questions please contact Timothy Mahoney on (02) 9549 9966.

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Upon determination of this matter, it would be appreciated if Council could send a copy of the Notice of Determination to development.south@transport.nsw.gov.au.

Yours sincerely



Timothy Mahoney

Development Case Officer, Development Services

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Level 4, 90 Crown St (PO Box 477 2520) Wollongong NSW 2500
193-195 Morgan Street (PO Box 484) Wagga Wagga NSW 2650

ABN 18 804 239 602
transport.nsw.gov.au

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Transport for NSW



Attachment 1

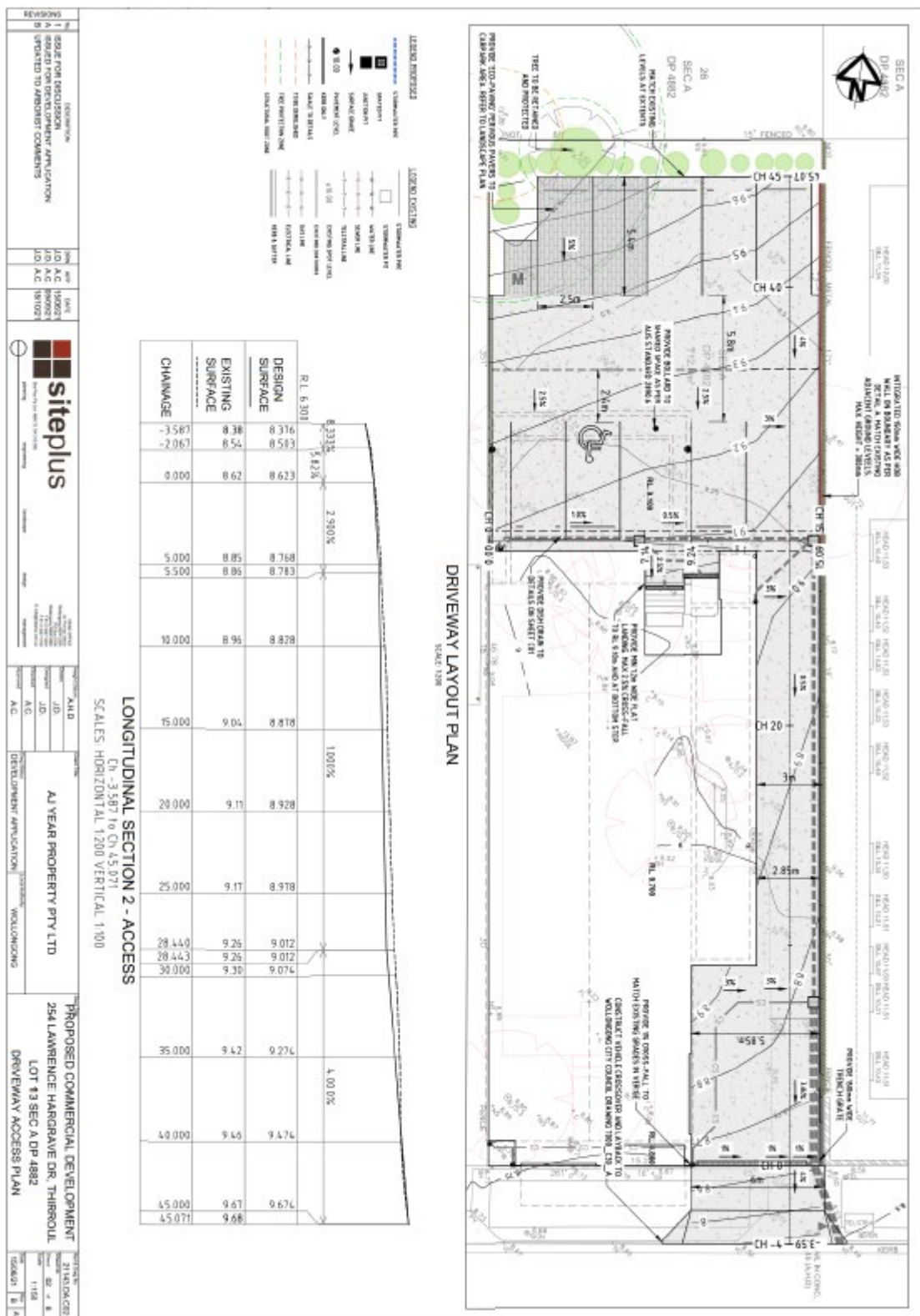
See attached concept design titled Attachment 1

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Level 4, 90 Crown St (PO Box 477, 2520) Wollongong NSW 2500
193-195 Morgan Street (PO Box 484) Wagga Wagga NSW 2650

ABN 18 804 239 602
transport.nsw.gov.au

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Attachment 2

1. Prior to the issuing of the Construction Certificate, the developer must:

- a. Amend the architectural plans showing the access arrangements within the street frontage to be consistent with those illustrated on the civil drawings (refer to Attachment 1). That is demonstrating compliance with AS2890.1 (i.e. the driveway needs to be a minimum of 5.5m wide from the kerb to 6m past the property boundary).
- b. Apply for Section 138 consent under the *Roads Act 1993* from Council for all works on Lawrence Hargrave Drive.
- c. Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Lawrence Hargrave Drive drainage system, does not exceed the pre-development application discharge.

2. Prior to commencing works within the road reserve, the developer must:

- a. Obtain Section 138 consent under the *Roads Act, 1993* for the works on Lawrence Hargrave Drive from Council.

Notes:

- *Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.*
- b. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

Notes:

- *For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>*
- *The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*
- *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.*

3. Prior to the issuing of the Occupation Certificate, the developer must:

- a. Design and construct the driveway on Lawrence Hargrave Drive to the satisfaction of Council, generally in accordance with Attachment 1 and Council standards.

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