

# Wollongong Local Planning Panel Assessment Report | 13 October 2020

<b>WLPP No.</b>	Item 2
<b>DA No.</b>	DA-2019/1332
<b>Proposal</b>	Alterations and additions and use of premises as a light industry
<b>Property</b>	101 Auburn Street, Coniston
<b>Applicant</b>	MMJ Wollongong
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (AS)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

The proposal has been referred to the Local Planning Panel **for determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979.

In accordance with Schedule 2 (3) of the Local Planning Panels Direction of 30 June 2020, the proposal comprises development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards. The development standard is floor space ratio.

#### Proposal

The proposal is for change of use and alterations to an existing industrial building. Additional floor area is proposed, resulting in a floor space ratio of 0.82:1 where the maximum permissible floor space ratio is 0.5:1.

#### Permissibility

The site is zoned IN1 General Industrial pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as alterations to an existing industrial building and change of use to high technology light industry, which is permissible in the zone with development consent.

#### Consultation

The proposal was notified twice in accordance with Council's Notification Policy. No submissions have been received.

#### Main Issues

The main issues are:

- Floor space ratio – exceedance supported, refer to section 2.1.3 and Attachment 4
- Flooding – design response supported, refer to section 2.1.3

#### RECOMMENDATION

It is recommended that the application is approved, subject to conditions of consent detailed in Attachment 5.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the development:

#### State Environmental Planning Policies

- SEPP 55 – Remediation of Land
- SEPP 64 Advertising and Signage

#### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2019

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proponent Ericom is a telecommunications and information technology software provider. They are expanding and relocating from other premises in Auburn Street to the subject site.

The proposal comprises the following:

- Change of use to light industry, specifically ‘high technology industry’
- Demolition:
  - metal awning attached to building in front setback
  - portion of concrete in car park to facilitate landscaping bed
  - signage in front setback
  - metal fence in front setback
  - portion of driveway crossing
- Alterations to existing building
  - Ground floor:
    - Demolition of internal walls and stairs as shown plan A-199
    - New internal layout including entry door to Auburn Street elevation and steel frame structure to support upper floors as shown plan A-200
    - New lift as shown plan A-200
  - Level 1:
    - Demolition of ground level roof, internal walls and stairs as shown plan A-199
    - New enlarged floor area
    - New internal layout office space, kitchenette, amenities and meeting rooms as shown plan A-201
    - New lift as shown plan A-201
  - Level 2:
    - Whole new floor as shown plan A-202
- Landscaping:
  - new landscaping in car parking area as shown plan G-100
- Car parking:
  - existing concrete car par surface to remain
  - new line marking as shown plan G-100
  - provision of 15 car parking spaces including one disabled user space

Amended plans and supporting information were lodged 11 March, 28 April and 27 July 2020, with the July 2020 documentation the basis of this assessment report.

The application involves a departure to the floor space ratio development standard in Wollongong Local Environmental Plan 2009. Plans initially lodged were accompanied by a clause 4.6 statement addressing the proposed FSR of 0.738:1 and were publicly exhibited. Amended plans lodged 11 March 2020 increased the floor space ratio to 0.82:1, which carried through to the July 2020 plans. The July 2020 amended plans and revised clause 4.6 statement were exhibited between 3- 17 September 2020.

## **1.1 BACKGROUND**

Council's records indicate the land has been the subject of the following applications:

- DA-1980/537 'Factory for manufacture and distribution of electronic equipment' – approved 11 July 1980
- BA-1980/2456 'Factory and Offices' – approved 16 September 1980
- PL-2019/88 Pre-lodgement meeting 24 June 2019
- PC-2020/645 'Internal renovations to existing factory/office building' (complying development certificate) – approved 16 June 2020

The current proponent initiated pre-lodgement meeting PL-2019/88, which was held on 24 June 2019. The proposal discussed at the meeting involved an extension to the existing building on the ground level and construction of an upper level, which would overhang the existing car parking area. Council advised that the additional building area would be inconsistent with Council's Development Control Plan 2009 controls for development on flood-prone land.

The applicant's revised Statement of Environmental Effects dated June 2020 discusses complying development certificate (CDC) PC-2020/645, which was issued by a private certifier. The CDC gained approval for alterations to the existing building concurrent to the development application. Many aspects of the applications overlapped, in that consent was sought under the CDC for works proposed under the development application. Council understands that an occupation certificate has not been issued for the CDC.

### Customer service actions

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

## **1.2 SITE DESCRIPTION**

The 994.2m<sup>2</sup> site is located at 101 Auburn Street Coniston and the title reference is Lot 3 DP 336075.

The site is rectangular in shape, with dimensions 13.41m front and rear and side boundaries 73.97m and 74.29m. The land is generally flat, with levels RL10.09 at the front boundary and RL 9.92 at the existing building footprint.

The land contains a two-storey factory building approved in 1980. The proponent Ericom currently occupies the building. Recent alterations and additions have been carried out by Ericom under a complying development certificate.

The locality is characterised by a mix of business and industrial premises. Adjoining development is as follows:

- North: Single storey industrial buildings (x 3)
- East: Wollongong Cemetery
- South: two storey brick industrial building built to the common boundary

### Property constraints

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

- Contamination: the land previously contained an underground storage tank, which was removed in 2018. The applicant has provided a clearance certificate and validation report certifying that the land is suitable for the proposed use.
- Acid sulfate soils: No earthworks are proposed, and no concerns are raised in this regard.
- Flooding: The site is identified as being located within a medium and high flood risk precinct. Council's Stormwater Engineer has reviewed the proposal and has recommended conditions of consent, which are contained in Attachment 5.

There are no restrictions on the title.

### **1.3 SUBMISSIONS**

The application was notified, in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising, on two occasions. The first exhibition period was between 13 December 2019-21 January 2020. The second exhibition period was held between 3-17 September 2020 and was for the purpose of notifying the amended plans, which increased the floor space ratio to 08.2:1. No submissions were received.

### **1.4 CONSULTATION**

#### **1.4.1 INTERNAL CONSULTATION**

##### **Stormwater Engineer**

Council's stormwater engineer has reviewed the application including supporting flood study and drainage plan. They recommended conditions of consent which are included in Attachment 5.

##### **Landscape Officer**

Council's Landscape officer has reviewed the application and recommended changes to the species selection and car parking layout. They note that WDCP 2009 requires one canopy shade tree for the fifteen parking spaces proposed, where none is provided. The applicant has responded by requesting that no shade tree is provided, in favour of retaining the proposed fifteen parking spaces.

Council's officer also recommended the side landscape strip be relocated from north to south, to allow greater sunlight to the plantings. The applicant advised this would adversely impact on manoeuvring and access to the site and requested the existing northern landscape strip remain in place.

A landscape plan by Mark Spence Environmental and Landscape Services was provided at lodgement and then revised. Council's officer was critical of the proposed species selection as shown on the landscape plans, and the plan is not supported. It is recommended that more suitable species be chosen, and therefore a condition of consent requiring a revised landscape plan to be prepared is included in Attachment 5.

The current site plan G-100 now refers to 'planting to be confirmed by owner'.

##### **Traffic Engineer**

Council's Traffic engineer has reviewed the application and advised they have no objection, subject to recommended conditions of consent. These are contained in Attachment 5.

They note the minimum required parking spaces for the proposed development would be ten, based on WDCP 2009 rates for industry being 1 space per 75m<sup>2</sup> of gross floor area. The applicant proposes fifteen spaces.

##### **Environment Officer**

Council's Environment Officer has reviewed the application and supporting documents regarding removal of an underground storage tank. Council's officer recommended a condition of consent regarding soil waste classification, which is included in Attachment 5.

#### 1.4.2 EXTERNAL CONSULTATION

None required

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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### 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

Not applicable - no vegetation clearing is proposed.

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

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

Council records identify the land as contaminated land. The applicant has provided a clearance certificate and validation report by Environmental Consulting Services Pty Ltd. These documents were peer reviewed by a certified professional soil scientist as required by WDCP 2009. The peer reviewer endorsed the recommendations of the report.

Both the report and peer review stated that the site is suitable for ongoing commercial or industrial use and backfill was suitable for retention on the site.

Matters for consideration under clause 7 are satisfactory.

#### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

One freestanding pylon sign is proposed, as shown on plan A-250. The sign has dimensions 1.38m x 3.28m and an overall height of 6m. A fascia sign is also proposed, which is exempt development.

The pylon sign is consistent with the objectives of the Policy and the matters listed in Schedule 1.

##### 1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Yes
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? No particular theme established in the locality.

##### 2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? No, sign is visible from urban streetscape.

##### 3 Views and vistas

- Does the proposal obscure or compromise important views? No
- Does the proposal dominate the skyline and reduce the quality of vistas? No
- Does the proposal respect the viewing rights of other advertisers? Yes

##### 4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Yes
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape? No particular contribution.

- Does the proposal reduce clutter by rationalising and simplifying existing advertising? No
- Does the proposal screen unsightliness? No
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?  
No
- Does the proposal require ongoing vegetation management? No

## 5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Yes
- Does the proposal respect important features of the site or building, or both? Yes
- Does the proposal show innovation and imagination in its relationship to the site or building, or both? No particular innovation.

## 6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? None.

## 7 Illumination

- Would illumination result in unacceptable glare? No, industrial properties in vicinity. Illumination not proposed.
- Would illumination affect safety for pedestrians, vehicles or aircraft? No. Illumination not proposed.
- Would illumination detract from the amenity of any residence or other form of accommodation? No. Illumination not proposed.
- Can the intensity of the illumination be adjusted, if necessary? Illumination not proposed.
- Is the illumination subject to a curfew? No. Illumination not proposed.

## 8 Safety

- Would the proposal reduce the safety for any public road? No
- Would the proposal reduce the safety for pedestrians or bicyclists? No
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? No

### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

The application seeks a change of use to 'light industry', specifically 'high technology industry'. These are defined:

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following—

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

*but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.*

**Note.** High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

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

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

**Note.** Light industries are a type of **industry**—see the definition of that term in this Dictionary.

The proponent is a telecommunications and information technology software provider, which is consistent with this definition.

#### Clause 1.8A Savings provision relating to pending development approvals

Not applicable.

### **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 **IN1 General Industrial**.

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

The objectives of the zone are as follows:

##### **Zone IN1 General Industrial**

##### **1 Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.
- To allow some diversity of activities that will not—
  - (a) significantly detract from the operation of existing or proposed manufacturing and service industries, or
  - (b) significantly detract from the amenity of nearby residents, or
  - (c) adversely impact upon the efficient operation of the surrounding road system.

The proposal is satisfactory with regard to the above objectives.

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

##### **2 Permitted without consent**

*Building identification signs; Business identification signs*

##### **3 Permitted with consent**

*Advertising structures; Community facilities; Crematoria; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Heavy industries;*

*Helipads; Industrial retail outlets; Industrial training facilities; Kiosks; Light industries; Liquid fuel depots; Mortuaries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Roads; Service stations; Take away food and drink premises; Tank-based aquaculture; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres*

#### **4 Prohibited**

*Pond-based aquaculture; Any other development not specified in item 2 or 3*

The applicant seeks a change of use from the existing factory use to 'light industries', and specifically 'high technology industry', which is permissible in the zone with development consent.

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

##### Clause 4.3 Height of buildings

The maximum permitted height is 11m. The existing height is approximately 6.8m. The development includes a new third storey, with a proposed building height of 10.94m.

##### Clause 4.4 Floor space ratio

The maximum permitted floor space ratio is 0.5:1. The existing floor space ratio is 0.46:1 (443m<sup>2</sup>).

The proposed floor space ratio is 0.82:1 (820.2m<sup>2</sup>), which is a non-compliance with a development standard. The exceedance is addressed by the applicant in a development standard departure request which forms Attachment 4.

##### Clause 4.6 Exceptions to development standards

The development proposes floor space ratio which is greater than the maximum permitted by clause 4.4. The proposed floor space ratio is considered acceptable in the circumstances, despite it exceeding the maximum.

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 4.4, floor space ratio.
Is the planning control in question a development standard?	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	A satisfactory clause 4.6 variation has been submitted.
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes
(a) the consent authority is satisfied that—	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The applicant's written request seeks to justify that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case based on the following rationale:</p> <ul style="list-style-type: none"> <li>• The additional floor space is located within the existing footprint of the building;</li> <li>• There is an excess of parking;</li> </ul>



	<ul style="list-style-type: none"> <li>• Numerous other sites in the vicinity exceed 0.5:1 floor space ratio;</li> <li>• Restricting the floor space is impractical and unreasonable;</li> <li>• No significant adverse impacts as a result of the floor space ratio;</li> <li>• Flooding limitations of WDCP 2009 prevent occupancy of the ground floor and therefore personnel must be accommodated on higher floors;</li> <li>• Proposed bulk and scale is appropriate for this location; and</li> <li>• Provides ongoing employment and activation</li> </ul>
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<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>Despite the proposed floor space ratio exceeding the maximum permitted, the development is considered in the public interest. The objectives of the standard are:</p> <p><i>(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</i></p> <p><i>(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,</i></p> <p><i>(c) to ensure buildings are compatible with the bulk and scale of the locality.</i></p> <p>The proposed development is for alterations and extensions to a 1980s factory building, which enlarges the second floor and creates a new third floor. The internal layout is typical of a modern high technology company, with works stations, amenities and conference room areas. The third storey is set back from the lower building edges and is of darker external materials which minimise the visual impact of the new floor. The building does not exceed the permitted height limit. The existing deep front setback is retained, with the building located on the far rear end of the site. The existing building is built to the side boundaries, and this would be maintained. The new floor area is not expected to dominate the streetscape or be readily perceived as larger than many others in the immediate surroundings. The development proposes car parking in excess of Council's WDCP 2009 requirements.</p> <p>The objectives of the IN1 General Industrial Zone include encouraging employment, minimising adverse effect of industry on other land and facilitating economic development. The proposed alterations and additions and change of use is consistent with these objectives.</p> <p>The development will remain consistent with the objectives of the zone despite the non-compliance with Clause 4.4.</p> <p>It is considered that in this instance there are sufficient environmental planning grounds specific to the site to justify contravening the development standard</p>
<p>(b) the concurrence of the Secretary has been obtained.</p>	<p>Concurrence is not required as the WLPP is the determining authority.</p>

## Part 5 Miscellaneous provisions

### Clause 5.10 Heritage conservation

The site adjoins Wollongong Cemetery, which is located to the east. Several headstones and graves are located near the common boundary.

Consideration has been given to both potential physical impacts upon graves and also the visual impact of the new third level, when viewed from within the cemetery. No significant overshadowing of graves is expected. No excavation or demolition at ground level on the Cemetery boundary is proposed. The proposed height would not dominate the skyline in this location, and taller buildings sit behind.

The proposed development is not expected to adversely impact the heritage significance of the Cemetery.

Conditions of consent are recommended regarding construction and internal demolition.

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

### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services. It is recommended that a condition of consent is applied requiring approval from utility providers for the connection of electricity, water and sewage to service the site.

### Clause 7.3 Flood planning area

The site is flood affected (medium and high risk precinct). The application as initially lodged was for alterations and additions to ground and Level 1, extending Level 1 over the car parking area. This was not supported by Council's stormwater engineer due to the requirements of WDCP 2009. The design was then revised to recess Level 1 to the existing building front and add Level 2. Council's engineer has advised is satisfactory and has recommended conditions of consent, which are included in Attachment 5.

### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulfate soils. An acid sulfate soils management plan is not required.

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

None relevant.

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

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

## **CHAPTER A1 – INTRODUCTION**

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

The development proposes less landscaped area than required by Chapter E6, specifically:

#### 9 Landscaping requirements

*A minimum 10% of the site area is required to be landscaped. The majority of such landscaping should be provided within the front property building line setback area and the side property boundaries.*

*Where an existing site has less than 10% landscaping for the total site area, Council will seek to achieve the provision of 10% landscaping on any unused portion of the land or within surplus car parking areas.*

*Trees are to be planted at a rate of 1 tree per 10 car spaces. Tree species shall be selected to provide at least a 4 - 6 metre canopy spread at maturity. A minimum 1.5 metre wide landscape strip is required to be provided after every fifth parking space. Trees shall be a minimum 100 Litre size and shall be planted in minimum two (2) cubic metres of planting*

*medium. Trees are to be protected by the use of such devices as bollards, kerbs and/or tree guards.*

It is not considered feasible to increase side landscaping strips in order to increase overall landscaped area (6.2% provided where 10% required), given the layout of the car park. However, a canopy tree could readily be provided if one car parking space were to be deleted. This is considered reasonable as the development proposes surplus parking spaces.

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

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

## **CHAPTER B5 INDUSTRIAL DEVELOPMENT**

<i>Control/objective</i>	<i>Comment</i>	<i>Complies</i>
<u>3 Factory / warehouse distribution centre building design requirements</u>	No change to existing front setbacks	Yes
<u>4 Building design / façade treatment</u>	The proposed alterations provide articulation, are of durable materials and do not exceed glazing limits.	Yes
<u>9 Landscaping requirements</u>		
A minimum 10% of the site area is required to be landscaped. The majority of such landscaping should be provided within the front property building line setback area and the side property boundaries.	The existing and proposed landscaped area is less than 10%. Widening side landscape strips may compromise aisle width and on-site manoeuvring.	Variation*
Where an existing site has less than 10% landscaping for the total site area, Council will seek to achieve the provision of 10% landscaping on any unused portion of the land or within surplus car parking areas.	It is considered reasonable to replace one car parking space with a canopy tree, as the total number of parking spaces would still exceed the minimum required.	
Trees are to be planted at a rate of 1 tree per 10 car spaces. Tree species shall be selected to provide at least a 4 - 6 metre canopy spread at maturity. A minimum 1.5 metre wide landscape strip is required to be provided after every fifth parking space. Trees shall be a minimum 100 Litre size and shall be planted in minimum two (2) cubic metres of planting medium. Trees are to be protected by the use of such devices as bollards, kerbs and/or tree guards.		

<i>Control/objective</i>	<i>Comment</i>	<i>Complies</i>
<u>14 Use of factory / warehouse units</u>	Compliance with the Building Code of Australia is a condition of consent.	Yes
<u>23 Utility infrastructure services</u>	Consultation with utility providers would be a requirement at Construction Certificate stage.	Yes

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

Two signs are proposed; one exempt faced sign and one pylon sign requiring consent. The pylon sign complies with the general requirements for signage set out in clause 8 and the provisions specific to pylon signs in clause 9.

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Coniston

The proposal is considered to be consistent with the existing and desired future character for the locality, as it relates to this industrial area.

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

Compliance with disability access provisions of the Building Code of Australia is a recommended condition of consent.

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

<i>Control/objective</i>	<i>Comment</i>	<i>Complies</i>
<u>3.2 Natural surveillance and sightlines</u>	Employee sightlines are available to the car parking area.	Yes
<u>3.3 Signage</u>	Two signs proposed (one exempt façade sign and one pylon sign requiring consent). The pylon sign is appropriately located and is not intrusive.	Yes
<u>3.4 Building design</u>	The alterations occur within the existing building footprint. Material are appropriate for the proposed use and are compatible with surrounding development.	Yes
<u>3.5 Landscaping</u>	It is recommended a final landscape plan is provided at Construction Certificate stage.	Yes

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

Council's Traffic engineer has not raised any concerns subject to conditions of consent. Fifteen parking spaces are shown on the site plan, however it is recommended that one space is deleted to accommodate a canopy tree in the car park. The resulting 14 spaces would still exceed the minimum 10 spaces required for the development (1 space per 75m<sup>2</sup> for industrial development).

### **8 Vehicular access**

No change to the existing driveway is proposed.

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

Waste servicing will occur from the kerb.

### **10 Pedestrian access**

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

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

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

### **CHAPTER E6: LANDSCAPING**

A landscape plan was provided at lodgement and revised, although neither is supported by Council's landscape officer. The overall landscaped area is less than the 10% required by Chapter E6 (approximately 64.2m<sup>2</sup> or 6.2% provided where 99m<sup>2</sup> is required). Chapter E6 also requires one shade tree per 10 parking spaces, however none is proposed. It is acknowledged that the concrete car park in the front setback is existing and that no loss of existing landscaping is proposed. However, the redevelopment is considered an opportunity to reinvigorate the streetscape with additional amenity benefits to employees arising from a shade tree on the western side of the building.

It is recommended that a condition of consent is applied requiring the landscape plan at Construction Certificate stage to show one canopy tree in the car park. This could be accommodated by replacing one car parking space, resulting in 14 spaces for the development which is more than the 10 required by WDCP 2009. Council's landscape officer also questioned the suitability of some species shown on the landscape plan, and therefore alternative species should be nominated on the final landscape plan.

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

A Site Waste Minimisation and Management Plan (sheet G-300) has been provided in accordance with this chapter.

The proposal involves partial demolition of the building, as shown on demolition plan G-099. Conditions of consent are recommended regarding demolition practices and disposal of any asbestos materials.

### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The land is flood affected medium to high risk. Council's stormwater engineer has no objection subject to recommended conditions of consent. These are contained in Attachment 5.

### **CHAPTER E14 STORMWATER MANAGEMENT**

A concept drainage plan has been reviewed by Council's stormwater engineer and is satisfactory. Conditions of consent are contained in Attachment 5.

### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

No tree removal is proposed.

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

The land previously contained an underground storage tank (UST), located under concrete near the southern boundary. This UST was removed from the site in December 2018. A clearance certificate and validation report accompany the application. The validation report prepared by Environmental Consulting Services Pty Ltd has been peer reviewed by Laurence Fox, a certified professional soil scientist. Both the original report and peer reviewer conclude that the land is suitable for the proposed use. Council's environmental officer has no objection to the proposal.

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

Demolition of some building elements is proposed, as shown on the demolition plan (G-099) and existing floor plans (A-199). Conditions of consent are recommended requiring preparation of a demolition work plan, safe handling of asbestos and demolition notice to surrounding properties.

## 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.

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

Contributions are payable for development exceeding \$100,000. The estimated cost of works is \$1,027,000 and a levy of 1% is applicable under this plan.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Conditions of consent are recommended.

94 Consent authority may require buildings to be upgraded

Conditions of consent are recommended.

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

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality. This is demonstrated through the following:

- A former underground storage tank has been successfully removed and a validation report concludes the land is suitable for the proposed change of use;
- The impacts of being located within a flood zone have been addressed in the design of the alterations;
- The potential impacts upon the heritage-listed Wollongong Cemetery have been satisfactorily addressed;
- The proposed increase in floor space ratio above the permitted maximum has been satisfactorily justified;
- No submissions were received following the two notification periods;
- Specialist Council referral staff have indicated they have no objection to the proposal, subject to recommended conditions of consent. These conditions have been included in Attachment 5.

#### Context and Setting:

The site is located within an industrial area and proposes a change of use from factory to light industry. The tenant is a telecommunications/software company which satisfies the definition requirements of 'high technology industry'.

Access, Transport and Traffic:

The proposed works include linemarking of the existing concrete car parking area in the front setback of the building. A total of fifteen spaces are proposed, which exceeds the requirements of WDCP 2009.

Public Domain:

No works in the public domain are proposed.

Utilities:

The site has previously been serviced. Conditions of consent are recommended requiring the proponent to make applications with utility providers at the Construction Certificate stage.

Heritage:

The site adjoins Wollongong Cemetery on its rear boundary. The cemetery is listed as an item of local heritage significance in WLEP 2009. No excavation work is proposed on this boundary. Conditions of consent are recommended regarding safe construction methods in order to avoid potential damage to gravestones near the boundary. The heritage values of the cemetery are not expected to be diminished by the proposed alterations.

Other land resources:

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

Soils:

The land contains class 5 acid sulfate soils.

Air and Microclimate:

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

Flora and Fauna:

There is no vegetation removal required. Additional landscaping is proposed.

Waste:

It is recommended that conditions of consent are applied requiring an appropriate receptacle to be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

It is recommended that a condition is applied requiring nuisance to be minimised during any construction, demolition, or works.

Natural hazards:

Council records list the site as medium and high flood affected. Council's stormwater engineer has reviewed the applicant's flood study and has no objection, subject to conditions.



Technological hazards:

Council records list the site as contaminated land. Satisfactory documentation has been provided confirming removal of an underground storage tank and verifying that the site is suitable for the proposed light industrial use.

Council records list the site as acid sulfate soil affected.

Safety, Security and Crime Prevention:

No adverse impact is anticipated.

Social Impact:

No adverse impact is anticipated.

Economic Impact:

The proposal is not expected to result in adverse economic impact.

Site Design and Internal Design:

A floor space ratio exceedance is proposed and has been justified in the manner required by clause 4.6 of WLEP 2009.

It is recommended that a condition of consent is applied requiring all works to be in compliance with the Building Code of Australia.

Construction:

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

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments. Flooding and heritage matters have been adequately addressed.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

No submissions were received during either of the two notification periods.

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

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. Flooding and heritage matters have been satisfactorily addressed. The proposed increased floor space ratio has been justified in the manner required by clause 4.6 of WLEP 2009. The proposal is permissible in the zone and of a scale compatible with the character of the area. Approval is therefore considered to be in the public interest.

### **3 CONCLUSION**

---

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

An increase to the floor space ratio control in WLEP 2009 is proposed and a satisfactory variation request is set out in Attachment 4. The proposed floor space ratio is considered acceptable in the circumstances of the case. Impacts of flooding have been addressed in the design of the alterations. Site contamination has been addressed by documentation confirming removal of an underground storage tank and suitability of the proposed use. All referrals were satisfactory, and no submissions were received.

### **4 RECOMMENDATION**

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It is recommended that the development application is approved subject to conditions of consent at attachment 5.

### **5 ATTACHMENTS**

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Attachment 1: Aerial photo

Attachment 2: Zoning map

Attachment 3: Proposed plans

Attachment 4: Clause 4.6 development standard departure request

Attachment 5: Draft conditions of consent

Attachment 1: Aerial photographs



Figure 1: Aerial photograph (source WCC 2018)

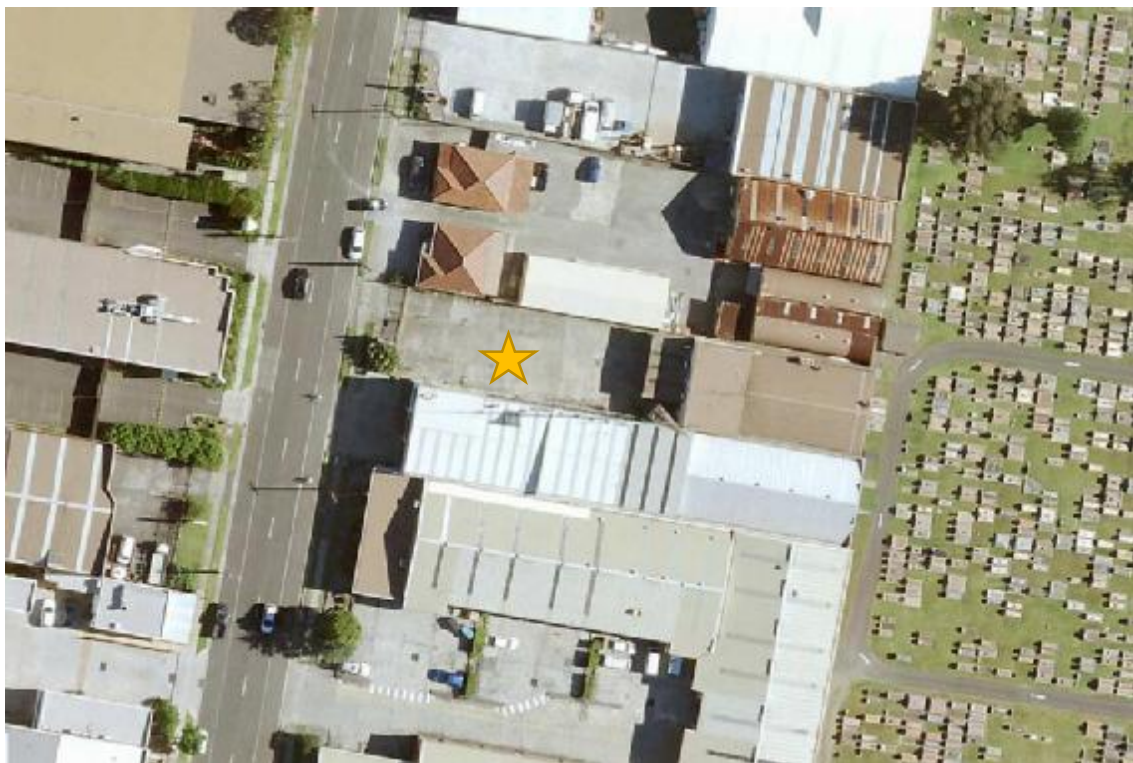


Figure 2: Aerial photograph - Detail (source WCC 2018)

Attachment 2 WLEP 2009 Zoning Map



Figure 2: WLEP 2009 zoning map - IN1 General Industry zone



# ERICOM OFFICE EXTENSION & RENOVATION

Lot 3 D.P. 336075  
101 Auburn St, Wollonogong



## DRAWING LIST

### General

G-000	General Cover Sheet
G-098	Location Context Plan
G-099	Demolition Plan
G-100	General Site Plan
G-300	Site Waste Minimsation Plan

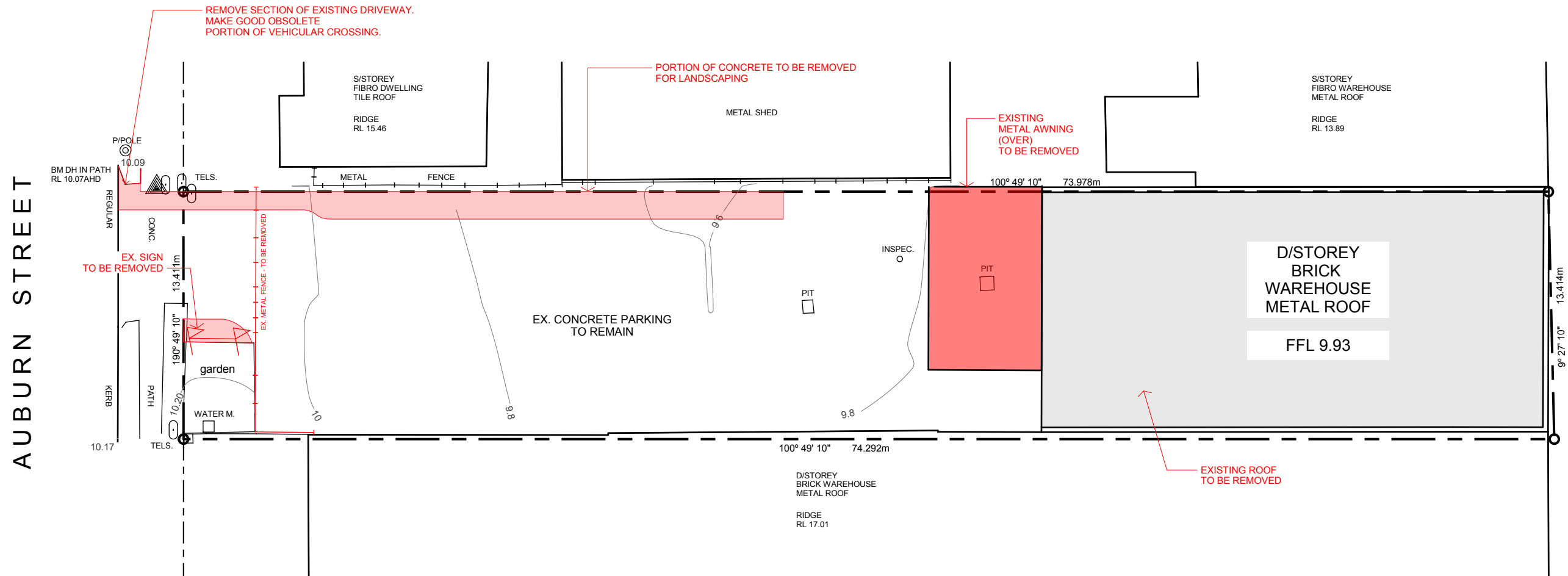
### Architectural

A-050	Existing Car Park Modificaiton Plan
A-100	Site Analysis Plan
A-198	Existing Ground Floor Plan
A-102	Existing First Floor Plan
A-200	Ground Floor Plan
A-201	First Floor Plan
A-250	North and East Elevation
A-251	South and West Elevation
A-300	Roof Plan
A-400	Section 1 & Section 2
A-500	Window Schedule









1 Demolition Plan  
Scale: 1 : 250



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ERICOM  
**PROJECT**  
ERICOM Alteration  
**LOCATION**  
101 Auburn St, Wollongong  
NSW 2500  
**PROJECT NUMBER**  
#014.19

REVISION	DRAWN BY	DATE
2	SR	29.04.19
3	SR	30.04.19
4	SR	28.05.19
5	SR	21.08.19
6	JL	02.09.19
7	JL	02.03.20

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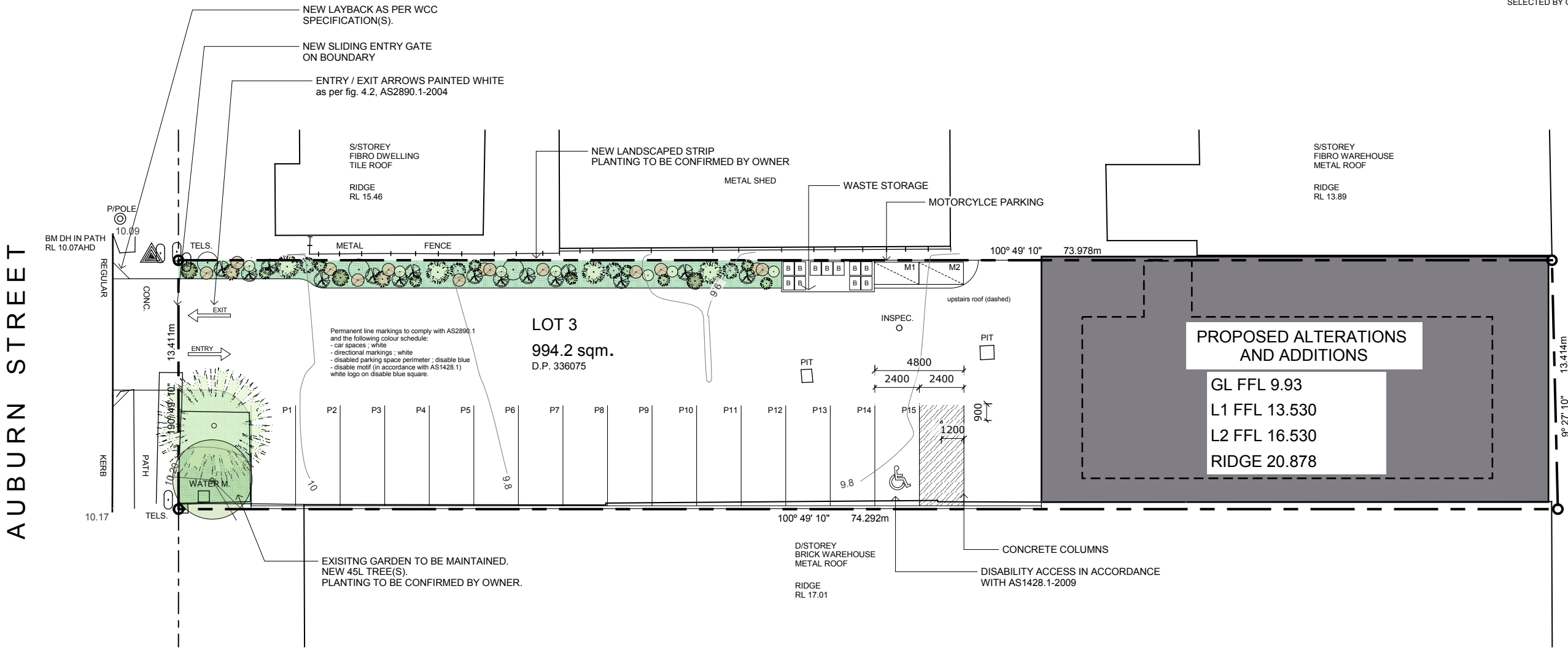
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**PAGE SCALE**  
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**PAGE SIZE**  
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**G-099**

- CONSTRUCTION NOTES:
1. ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.
  2. ALL LEVELS AND DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION, SURVEY CHECK MAY BE REQUIRED.
  3. JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER.



1 General Site Plan  
Scale: 1 : 250



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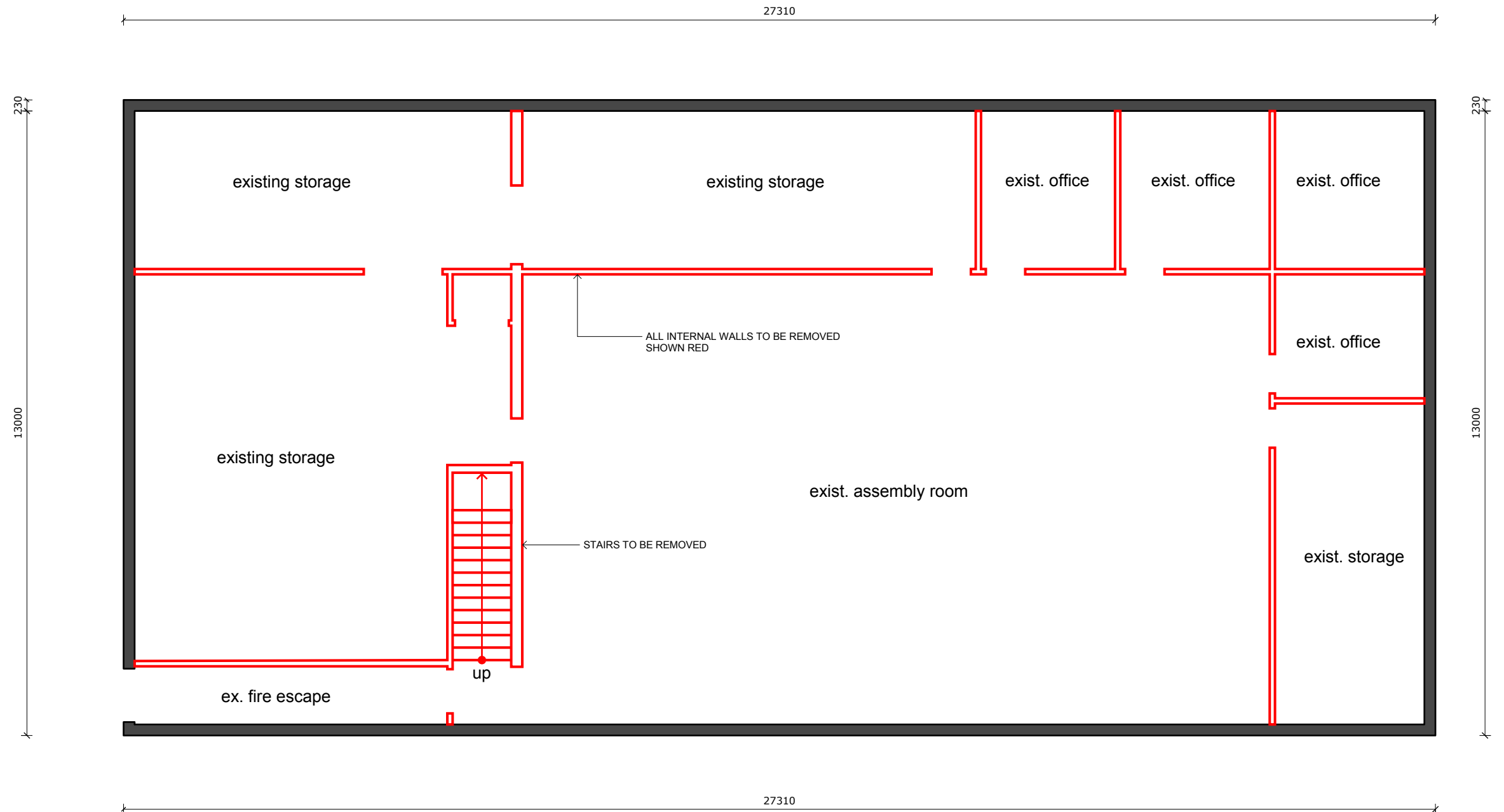
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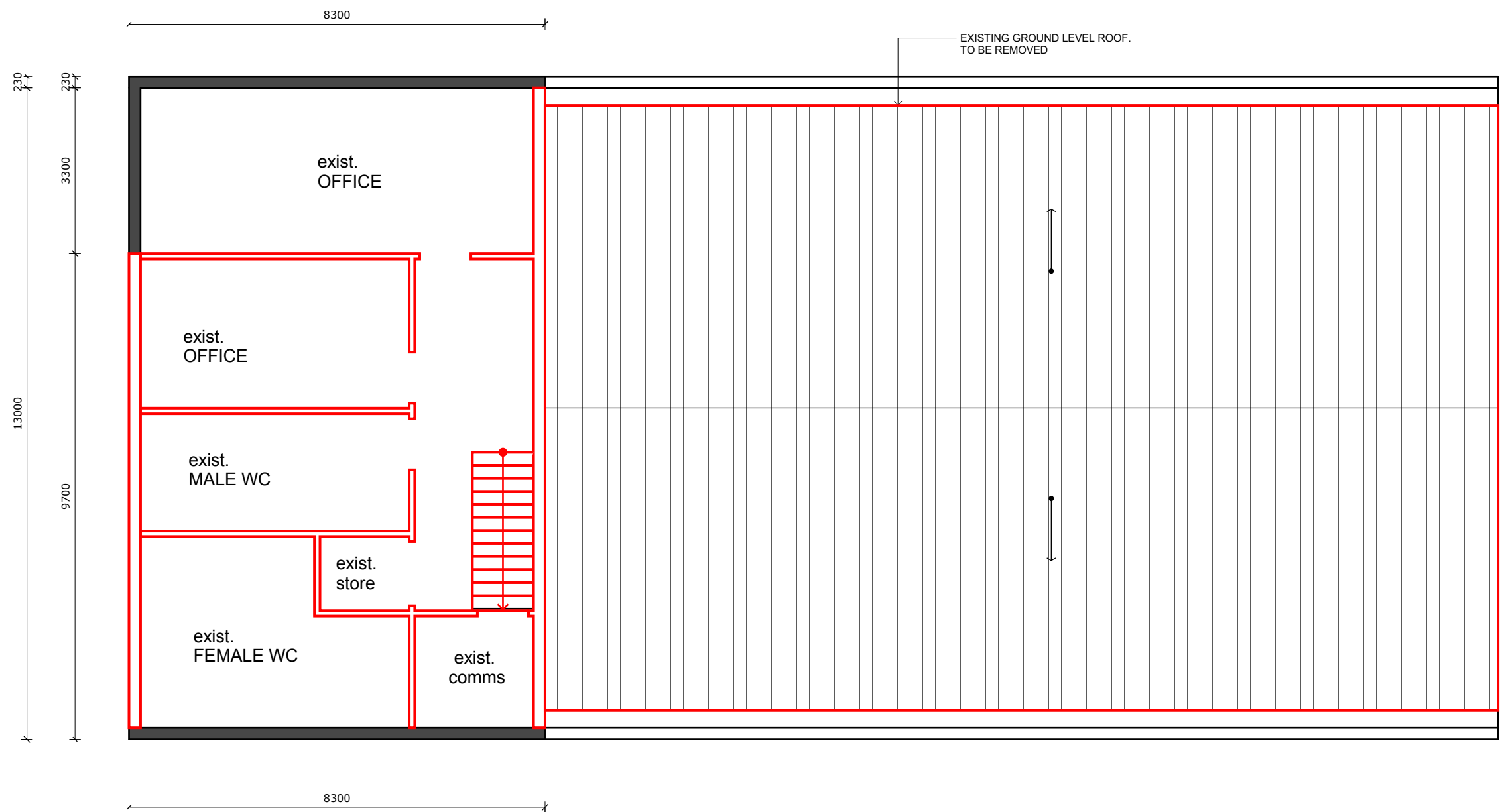
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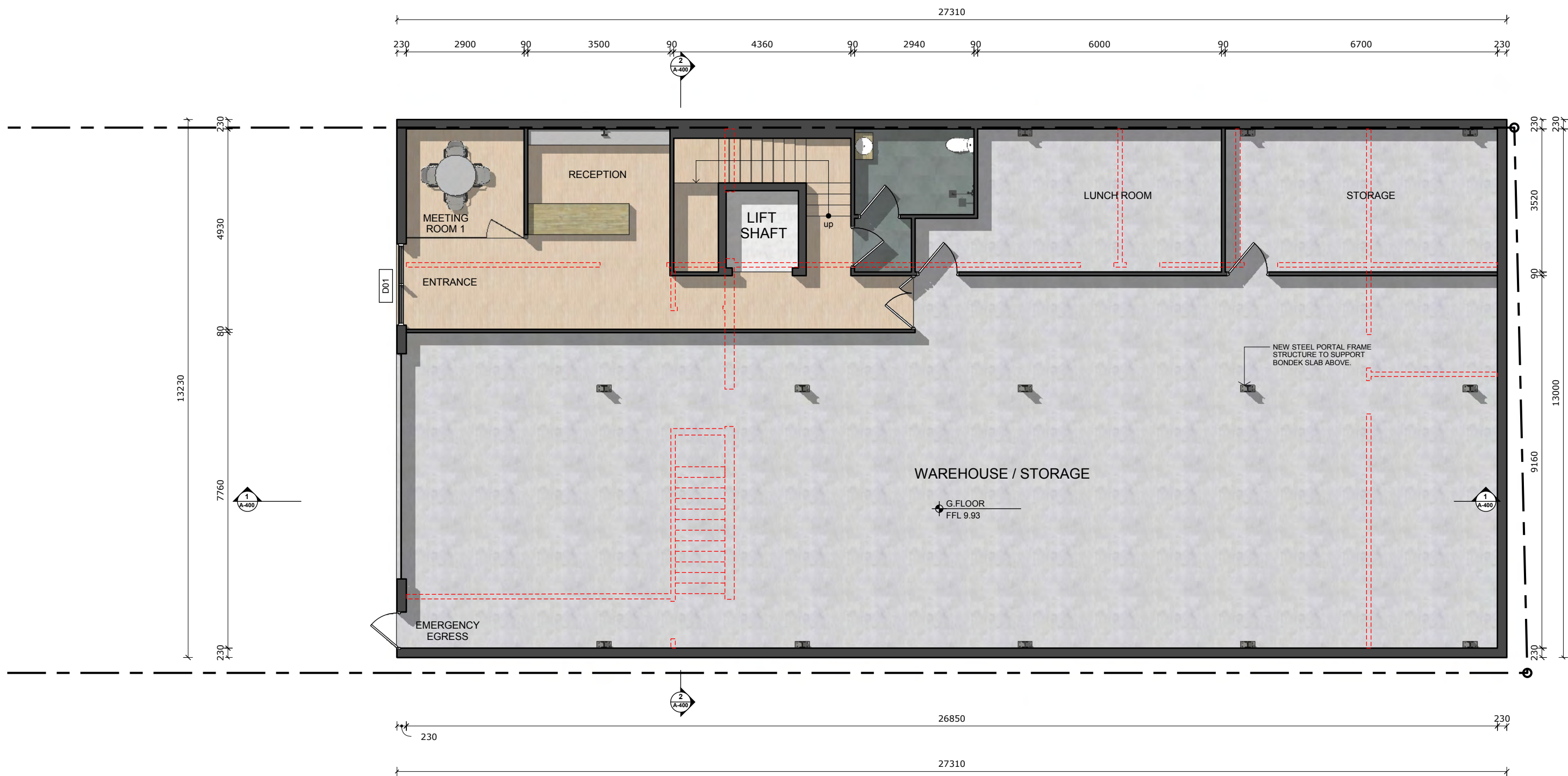
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**PAGE SIZE**  
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**A-199**



1 Ground Floor Plan  
Scale: 1 : 100



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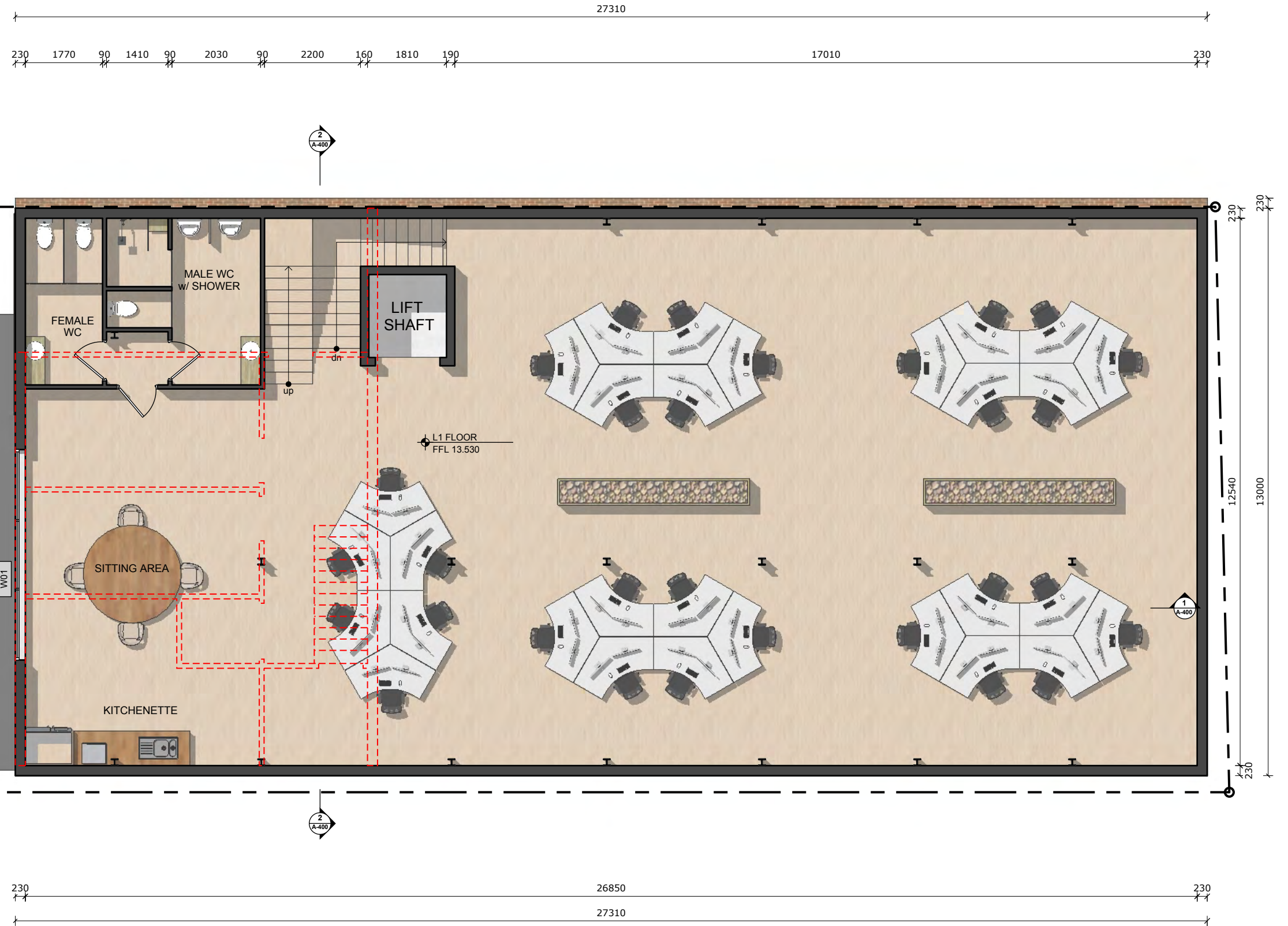
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**LOCATION**  
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NSW 2500  
**PROJECT NUMBER**  
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**A-200**





2 Level 1 Floor Plan  
Scale: 1 : 100



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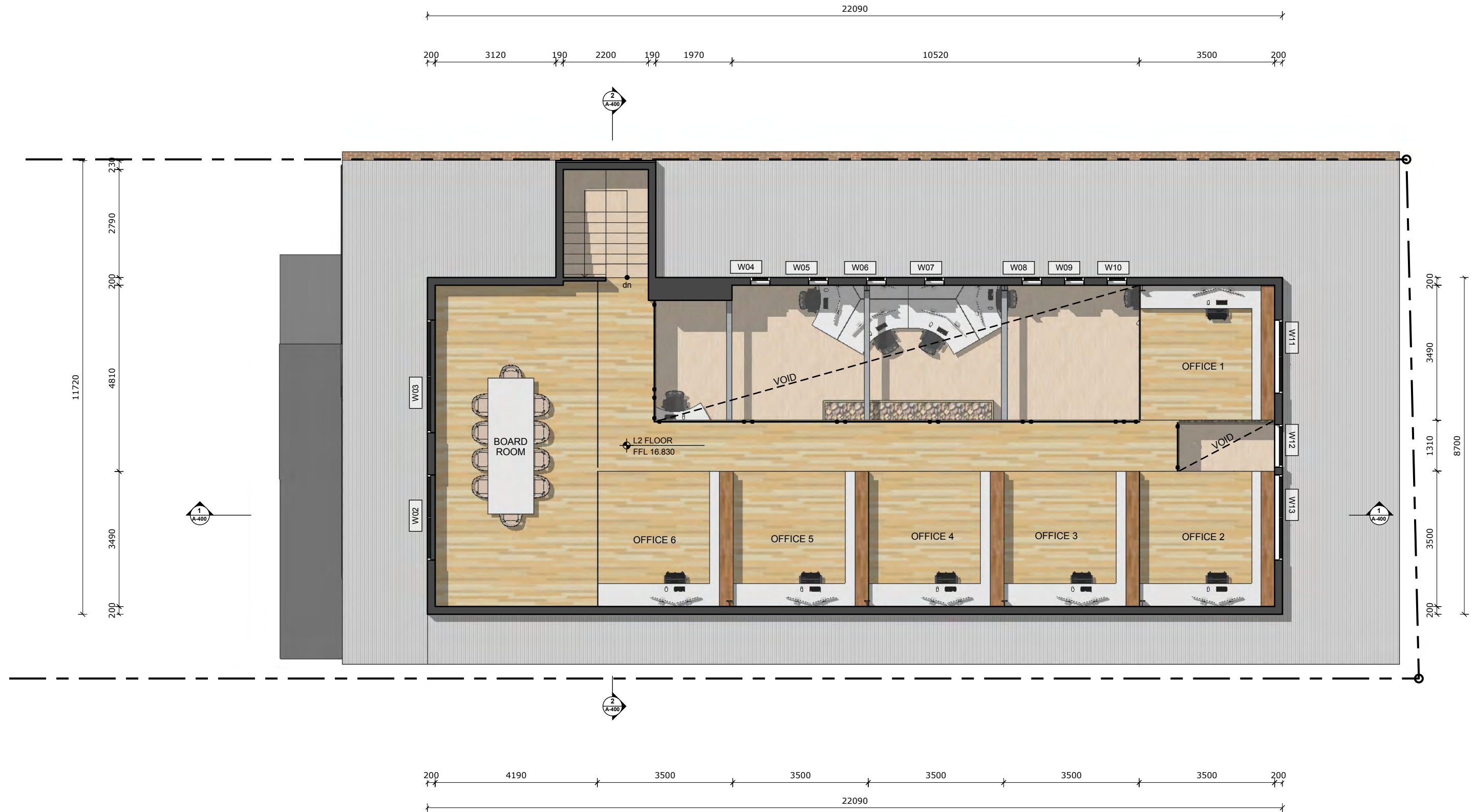
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**PAGE SIZE**  
A3  
**A-201**



2 Level 2 Floor Plan  
Scale: 1 : 100



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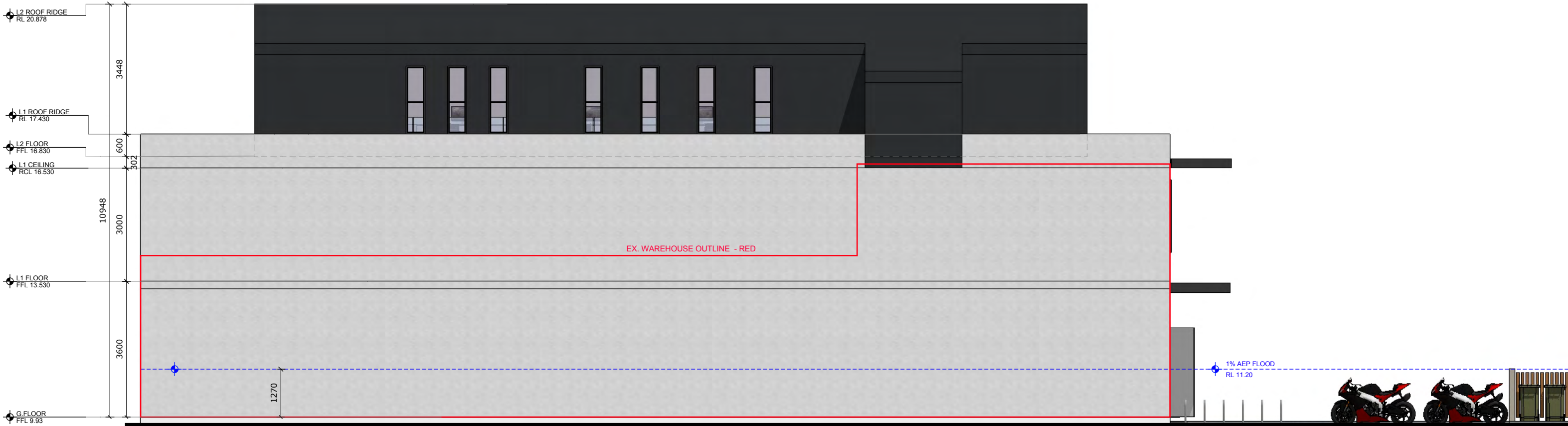
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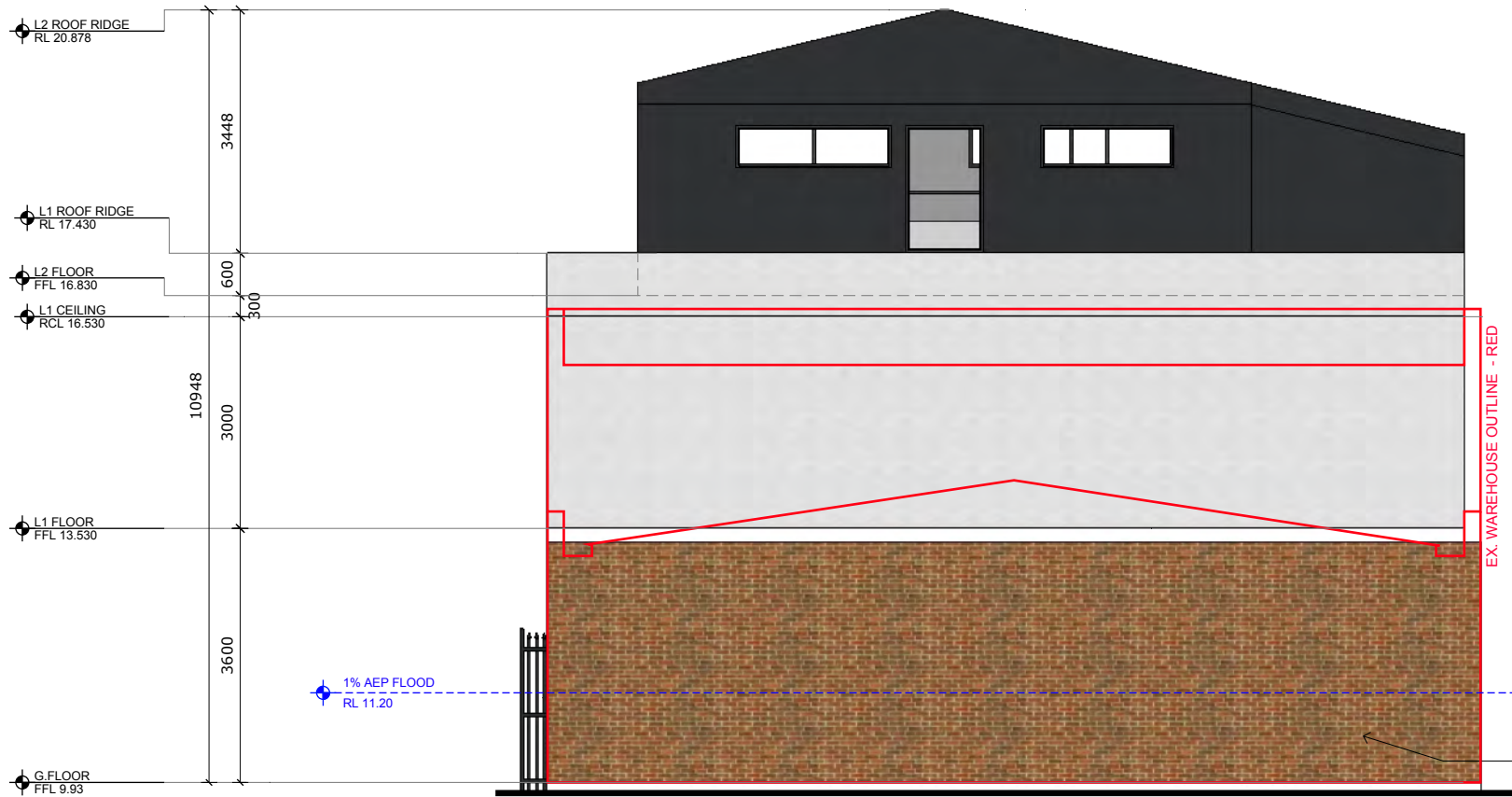
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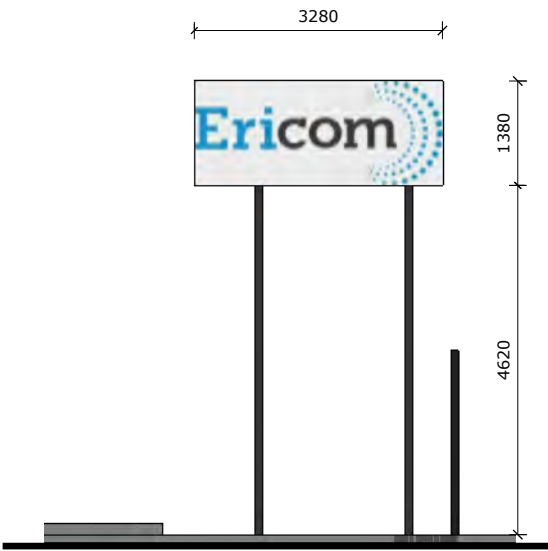




1 North Elevation  
Scale: 1 : 100



2 East Elevation  
Scale: 1 : 100



Front Signage (North)  
Scale: 1 : 100



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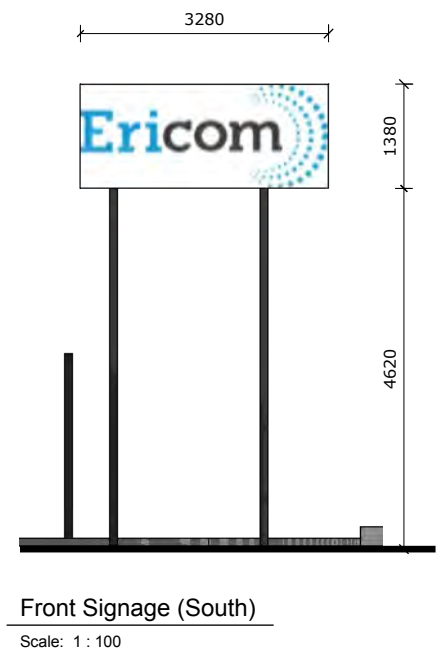
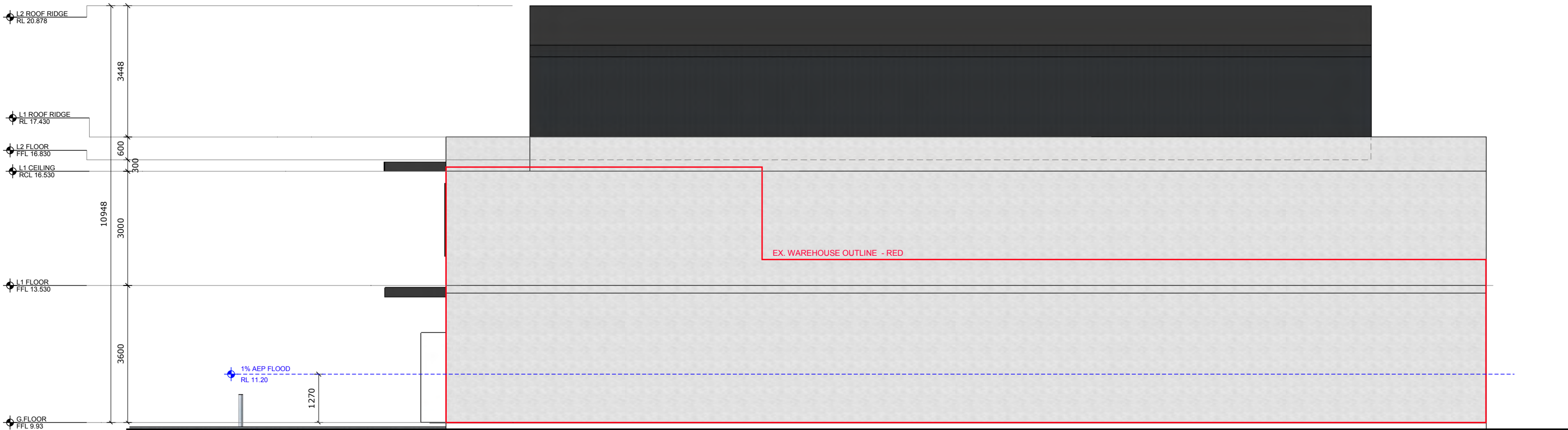
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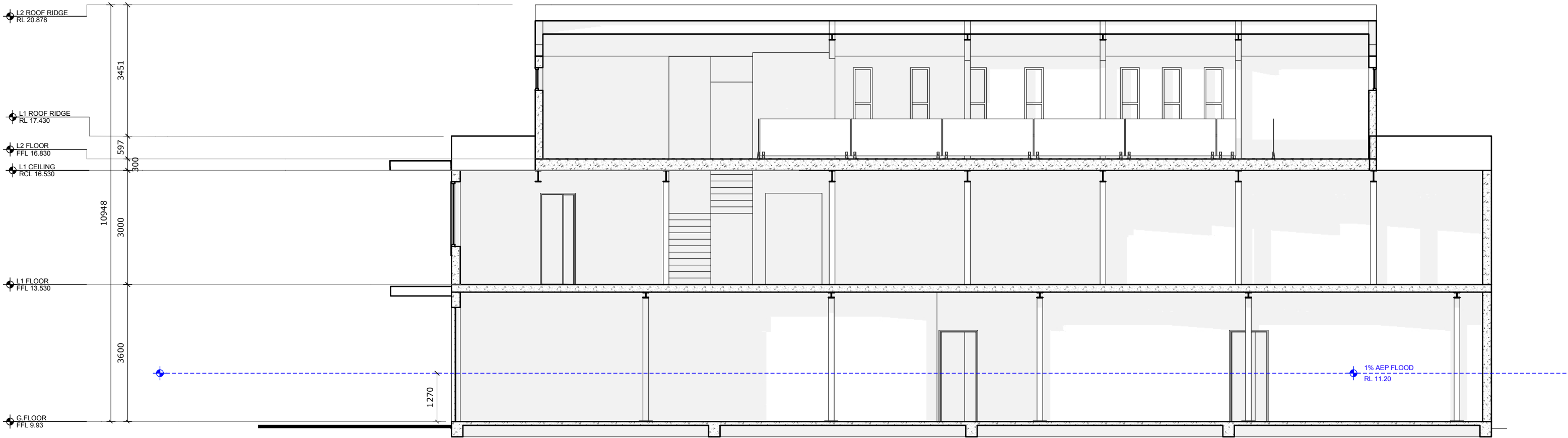
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ERICOM Alteration  
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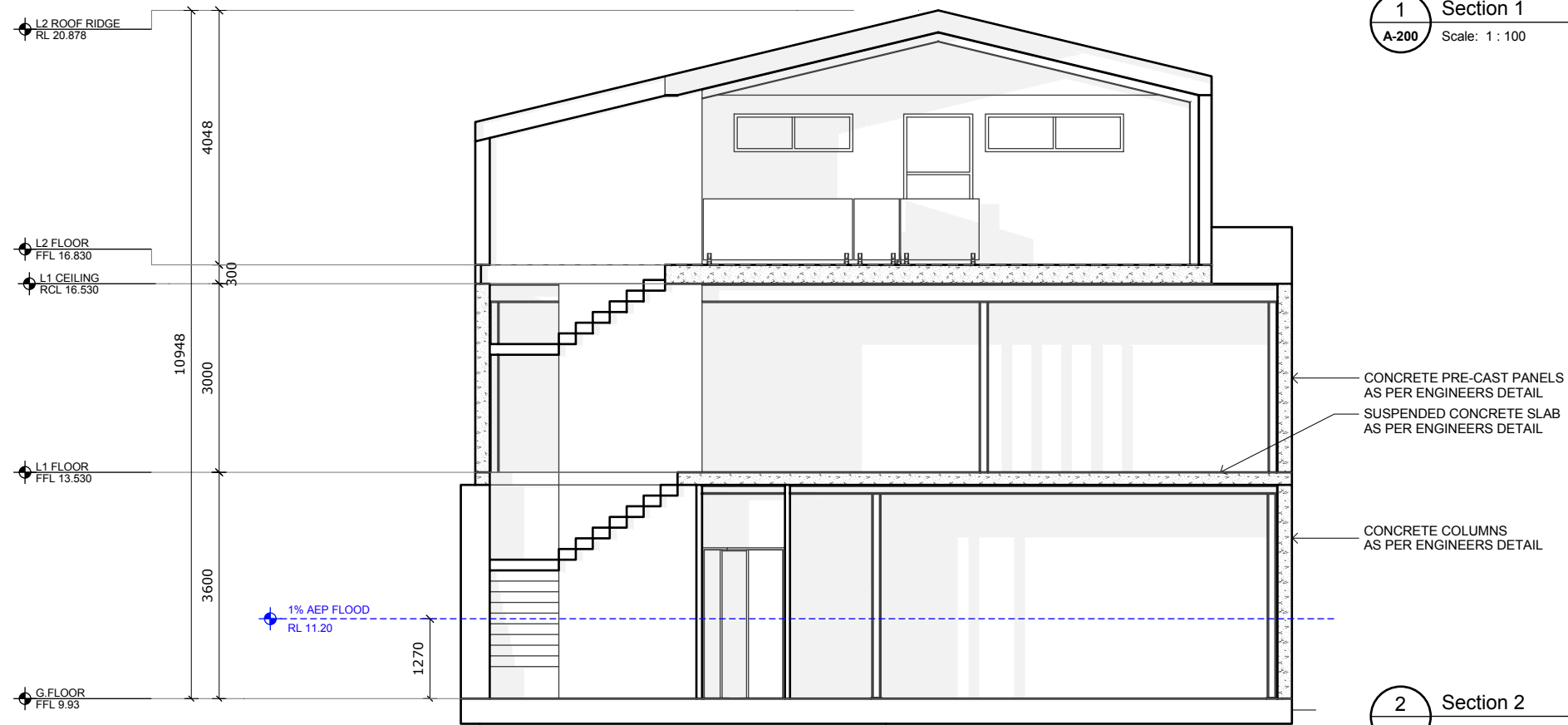
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**A-251**





1 Section 1  
A-200 Scale: 1 : 100



2 Section 2  
A-200 Scale: 1 : 100



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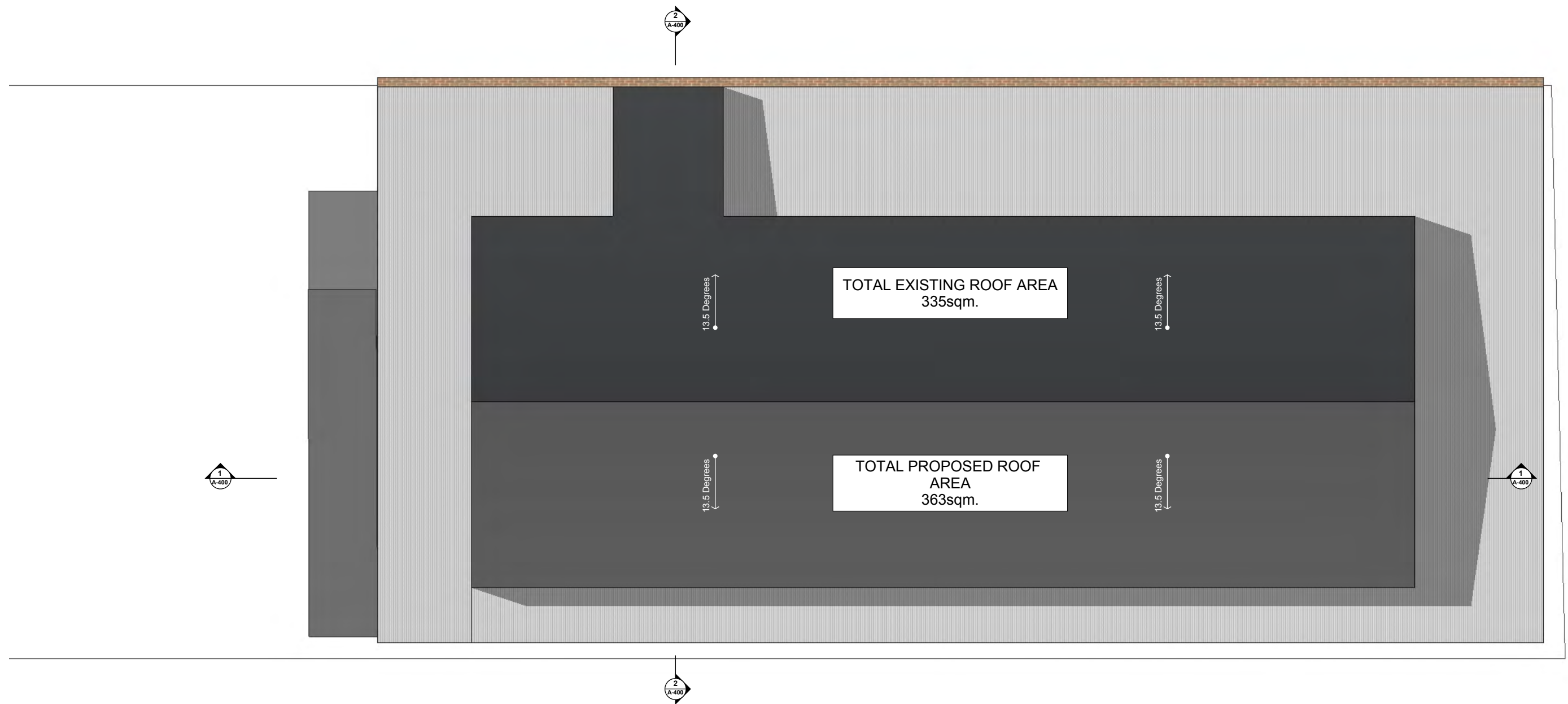
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Section 1 and Section 2

**PAGE SCALE**  
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**PAGE SIZE**  
A3

**A-400**



1 Roof Plan  
Scale: 1 : 100



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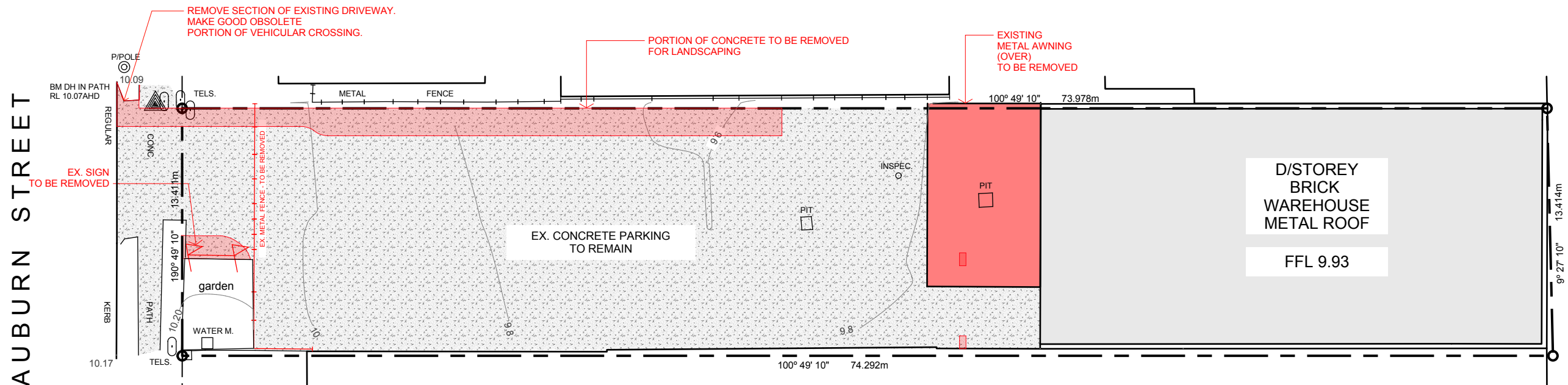
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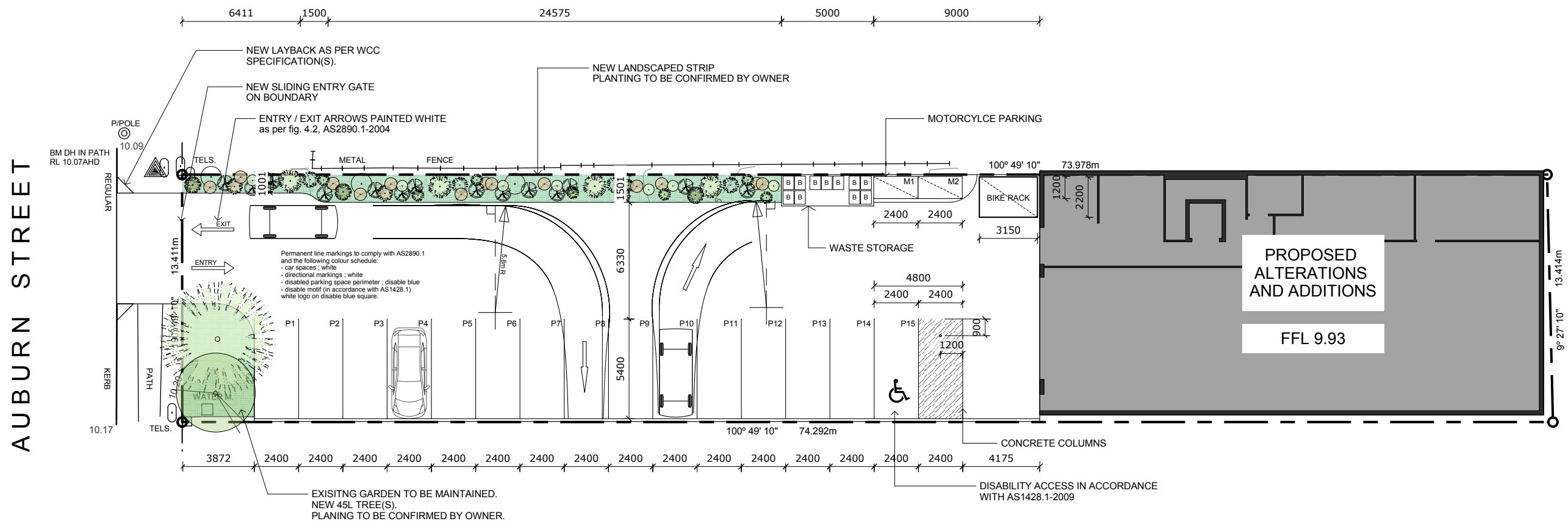
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**A-300**



1 Demolition Plan (Exist. Car Park)

Scale: 1 : 250



2 Proposed Car Parking Alterations

Scale: 1 : 250



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**DESCRIPTION**  
Existing Car Parking Modification Plan

**PAGE SCALE**  
1 : 250

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**A-050**

WASTE MANAGEMENT NOTES:

1. VEHICLES TO BE HOSED DOWN TO PREVENT SOIL/EXCAVATED MATERIAL BEING DEPOSITED ON ROADWAY.
2. CONCRETE PUMPING, DELIVERY OF MATERIAL, LOADING AND UNLOADING OF MATERIAL TO BE DONE WITHIN THE CONFINES OF THE PROPERTY.
3. WASTE BAYS ARE TO BE CONSTRUCTED USING SHADE CLOTH OR SEDIMENT FENCING. WHERE THE WASTE STREAM IS MADE UP OF LIGHT MATERIAL SUCH AS PAPER AND CARDBOARD. THE WASTE BAYS MUST CONSIST OF A CONTAINER FOR THE STORAGE OF THIS MATERIAL.
4. A METAL WASTE CONTAINER (5) WITH A MINIMUM CAPACITY OF FOUR CUBIC METRES MUST PROVIDED ON SITE FOR THE DISPOSAL OF 'GENERAL WASTE' DESIGNATED FOR LANDFILL.

SOIL EROSION/SEDIMENT CONTROL NOTES:

1. SEDIMENT FABRIC SUCH AS TERRAAM 100, POLFELT TS 500, BIDIM U24, GEOFAB, ENVIROFENCE OR EQUIVALENT TO BE PROVIDED ON ALL BOUNDARIES AS REQUIRED.
2. FABRICK IS ATTACHED TO A STRAND WIRE (ORDINARY FENCE WIRE) OR WIRE MESH (14 GAUGE AND 150mm X 150mm OR OPENING).
3. THE LOWER END OF THE FABRIC MESH TO BE EMBEDDED 200mm INTO THE GROUND.
4. FILTER CLOTH TO BE FASTENED SECURELY TO WIRE FENCE WITH TIES SPACED EVERY 600mm.
5. GENERALLY FOLLOW THE CONTOUR OF THE LAND.
6. WHEN 2 SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 150mm AND FOLDED OVER.
7. STOCK PILES ARE TO BE SET UP WITH SEDIMENT CONTROL DEVICES ON THE LOWER SLOPE.

STOCKPILE NOTES:

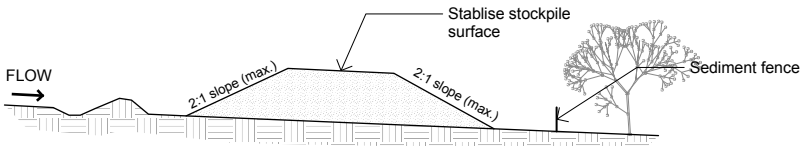
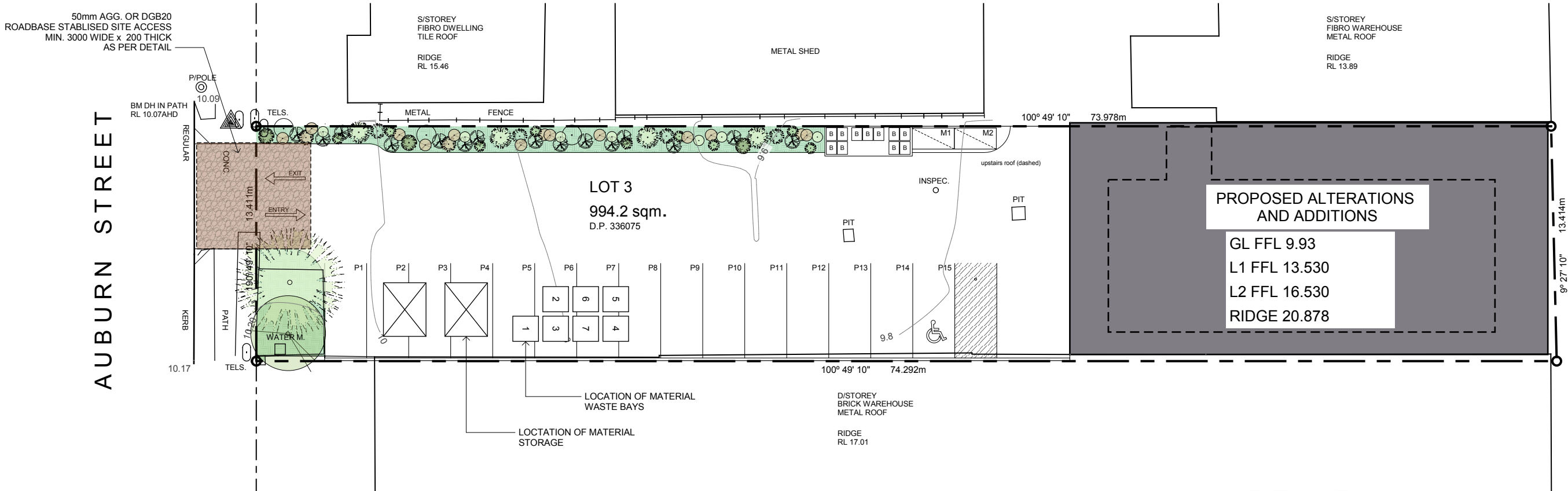
1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREAS, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METERS IN HEIGHT.

SEDIMENT FENCE NOTES:

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND AT 2.5m INTERVALS (max) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF HE POSTS ENSURING IT GOES TO THE BASE 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 SECTIONS 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.

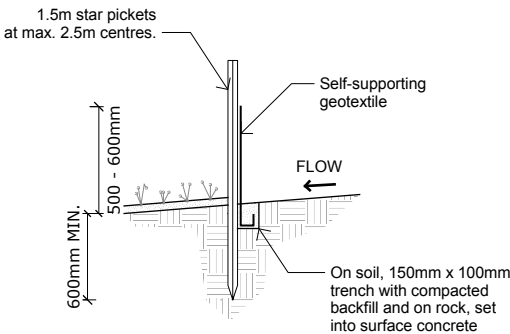
STABILISED SITE ACCESS NOTES:

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE.
2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE.
3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASE OR 30mm AGGREGATE.
4. ENSURE THE STUCTURE IS AT LEAST 15m LONG OR TO BUILDING ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILISED ACCESS, CONSTRUCT A HUMP IN THE STABILISED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.



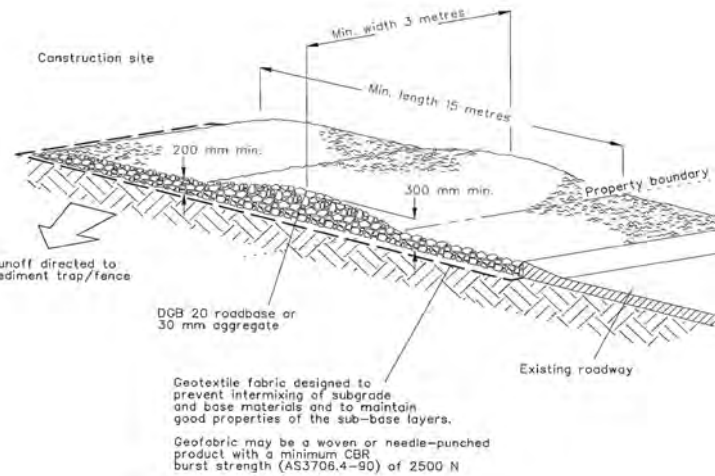
Stockpiles Detail

Scale: NTS



Sediment Fence Detail

Scale: NTS



Site Access

Scale: NTS

1 Site Waste Minimisation Plan

Scale: 1 : 250



**BUILDING DESIGNER**  
Redson Group Pty. Ltd.  
trading as 'Progenia'  
Wollongong, NSW 2500  
E: contactus@progenia.com.au  
A.B.N 21 158 799 663



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**CLIENT**  
ERICOM  
**PROJECT**  
ERICOM Alteration  
**LOCATION**  
101 Auburn St, Wollongong  
NSW 2500  
**PROJECT NUMBER**  
#014.19

REVISION	DRAWN BY	DATE
2	SR	29.04.19
3	SR	30.04.19
4	SR	28.05.19
5	SR	21.08.19
6	JL	02.09.19
7	JL	02.03.20

Issued for DA

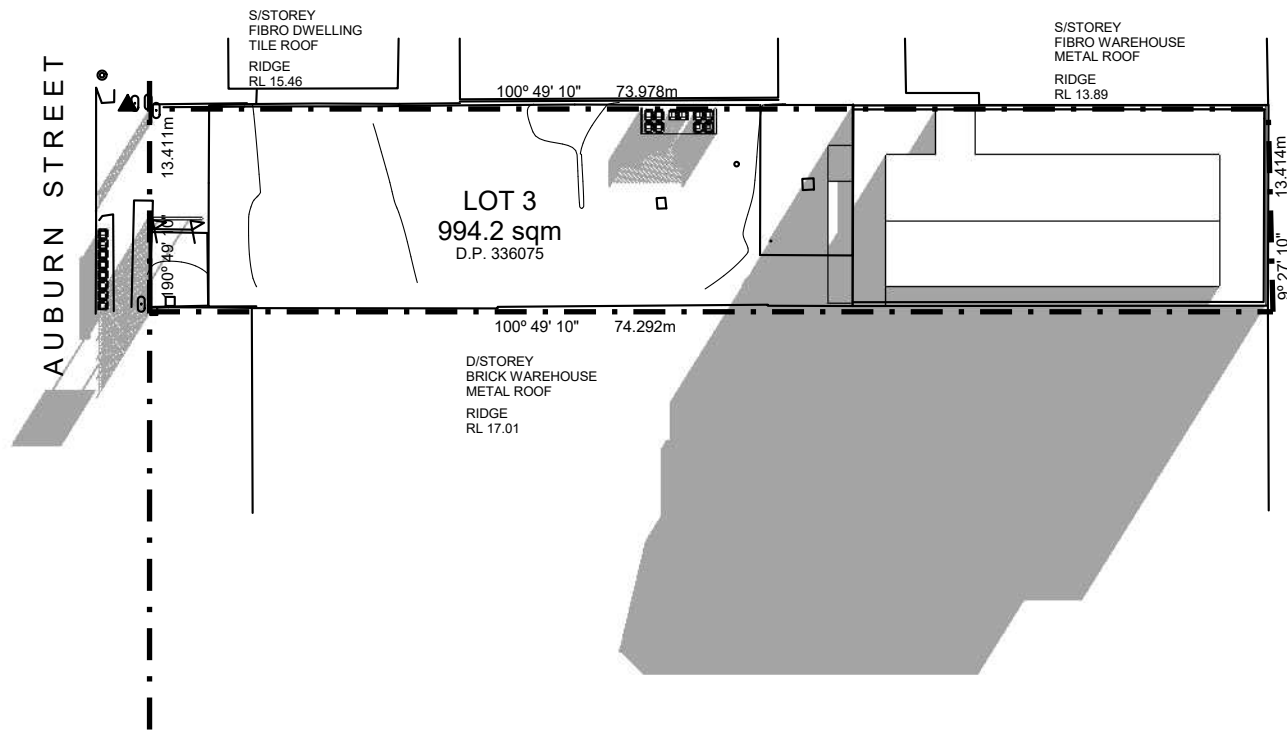
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Site Waste Minimisation Plan

**PAGE SCALE**  
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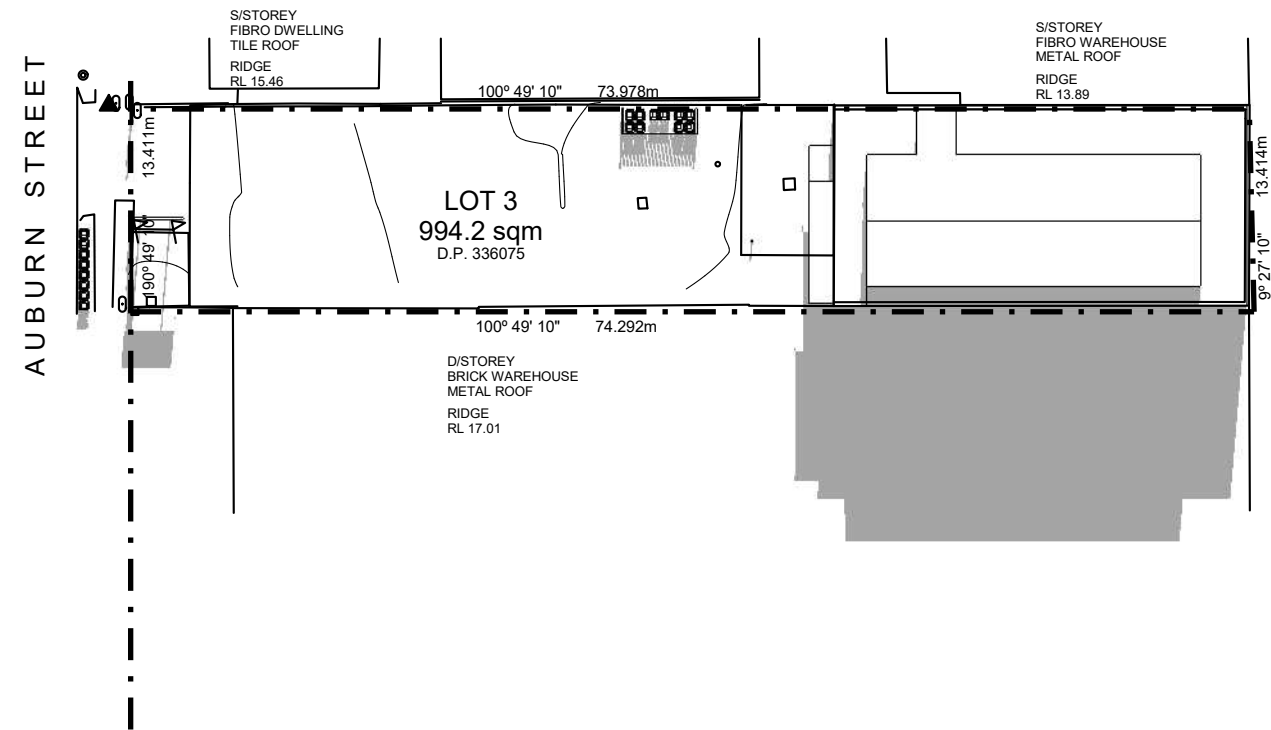
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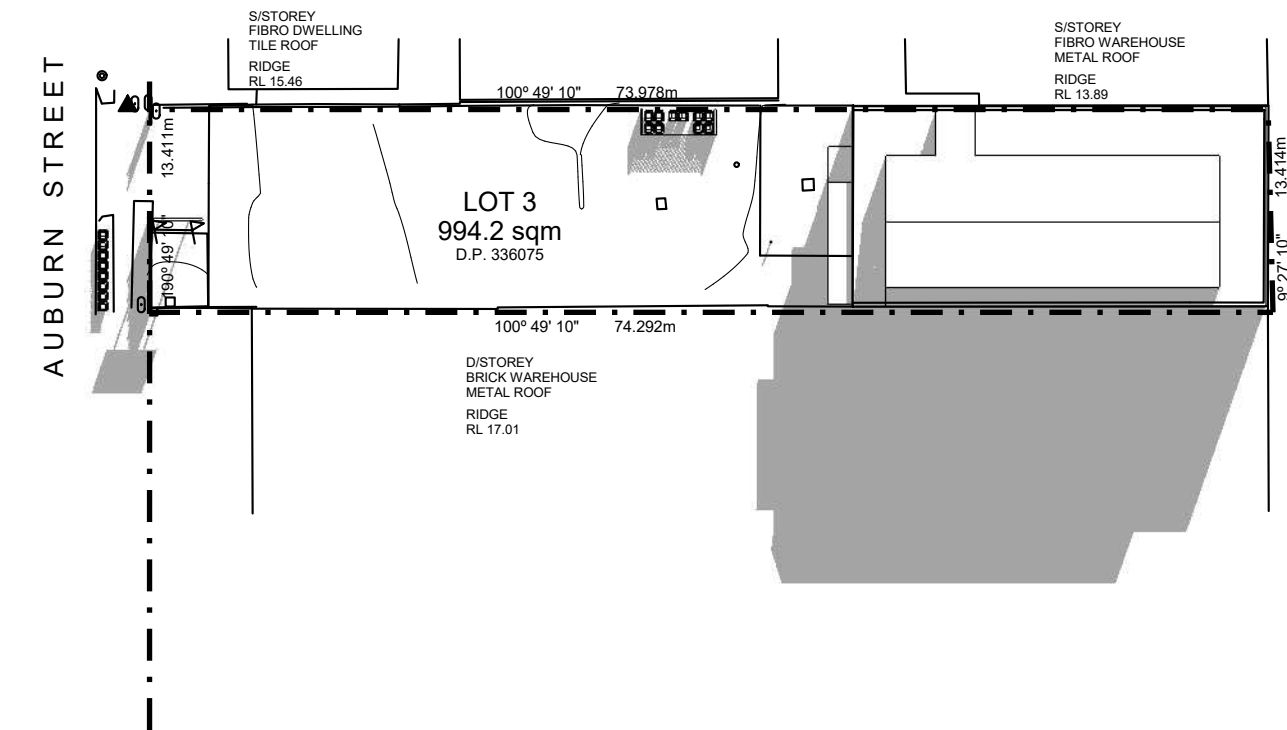




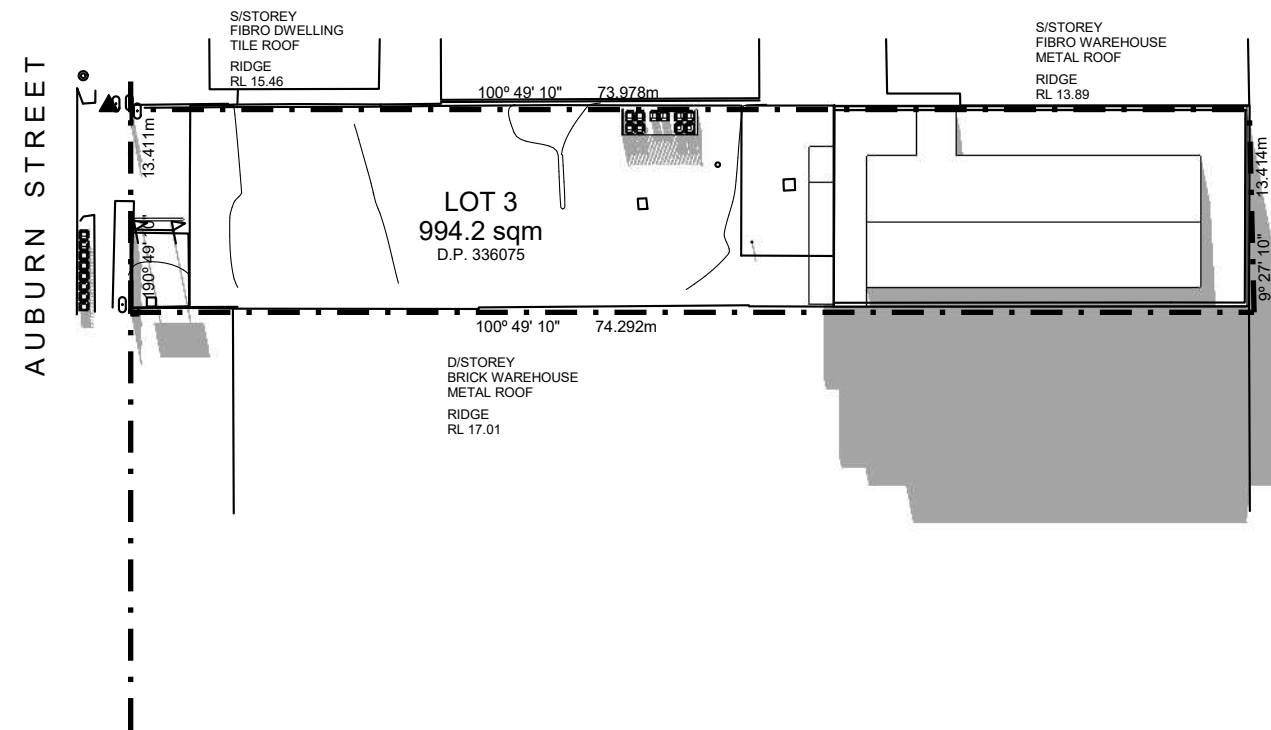
1 Shadow Diagram - 9am (June 21st)  
- Scale: 1 : 500



1 Shadow Diagram - 11am (June 21st)  
- Scale: 1 : 500



1 Shadow Diagram - 10am (June 21st)  
- Scale: 1 : 500



1 Shadow Diagram - 12am (June 21st)  
- Scale: 1 : 500



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Redson Group Pty. Ltd.  
trading as 'Progenia'  
Wollongong, NSW 2500  
E: [contactus@progenia.com.au](mailto:contactus@progenia.com.au)  
A.B.N 21 158 799 663



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6	JL	02.09.19
7	JL	02.03.20

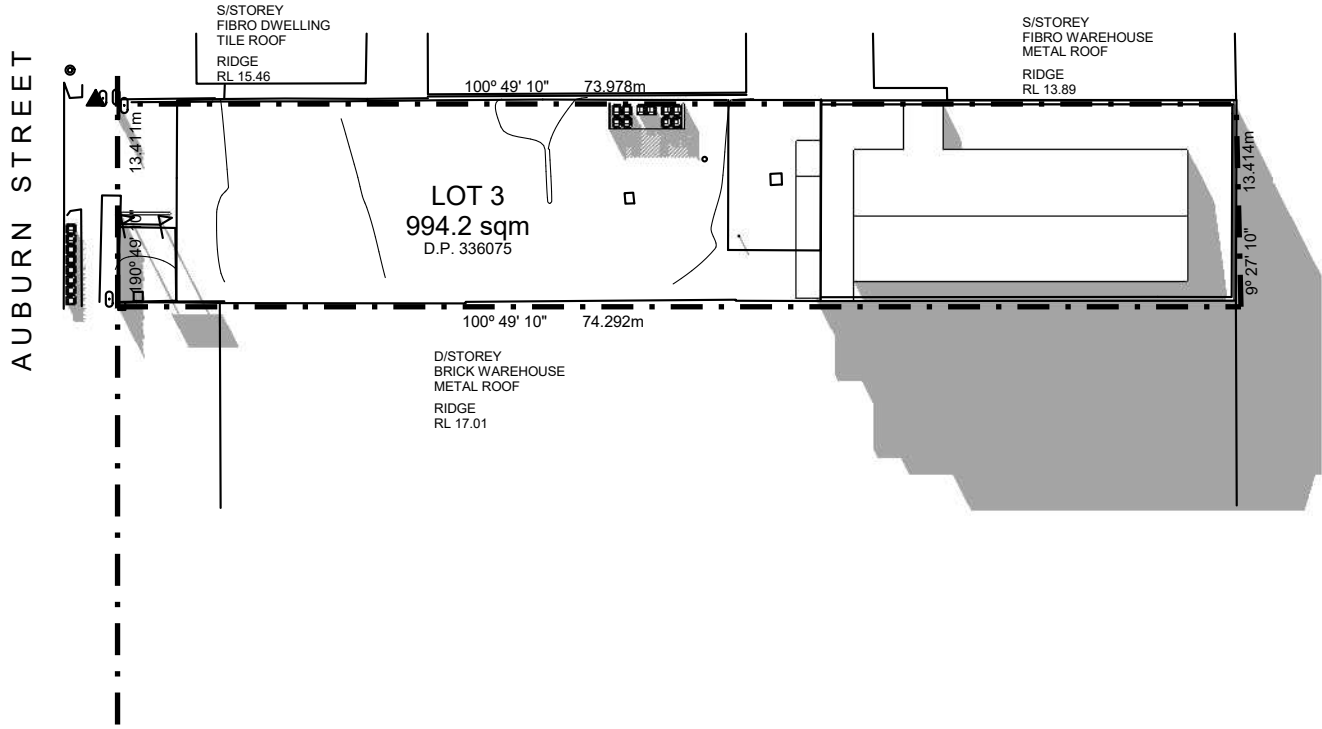
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**DESCRIPTION**  
Shadow Diagrams (1 of 2)

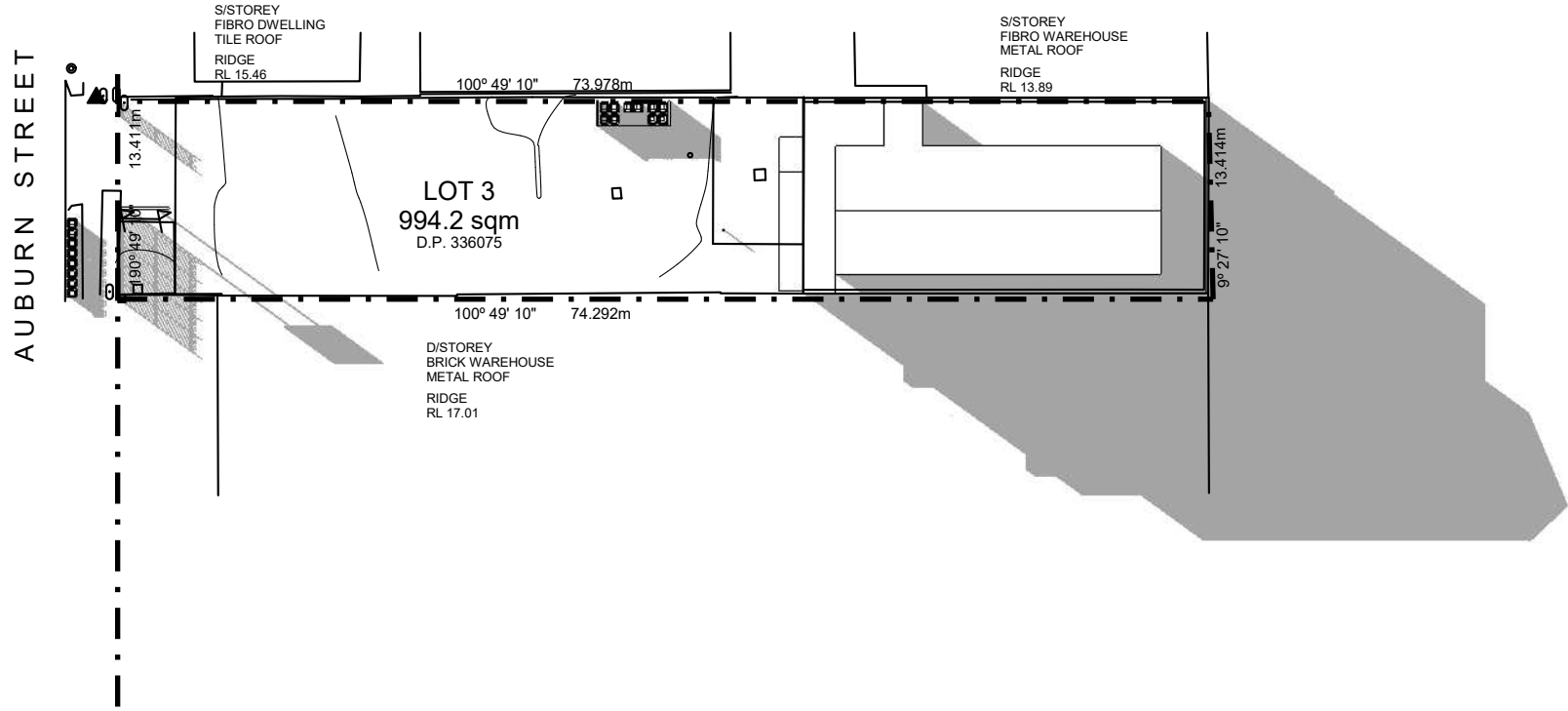
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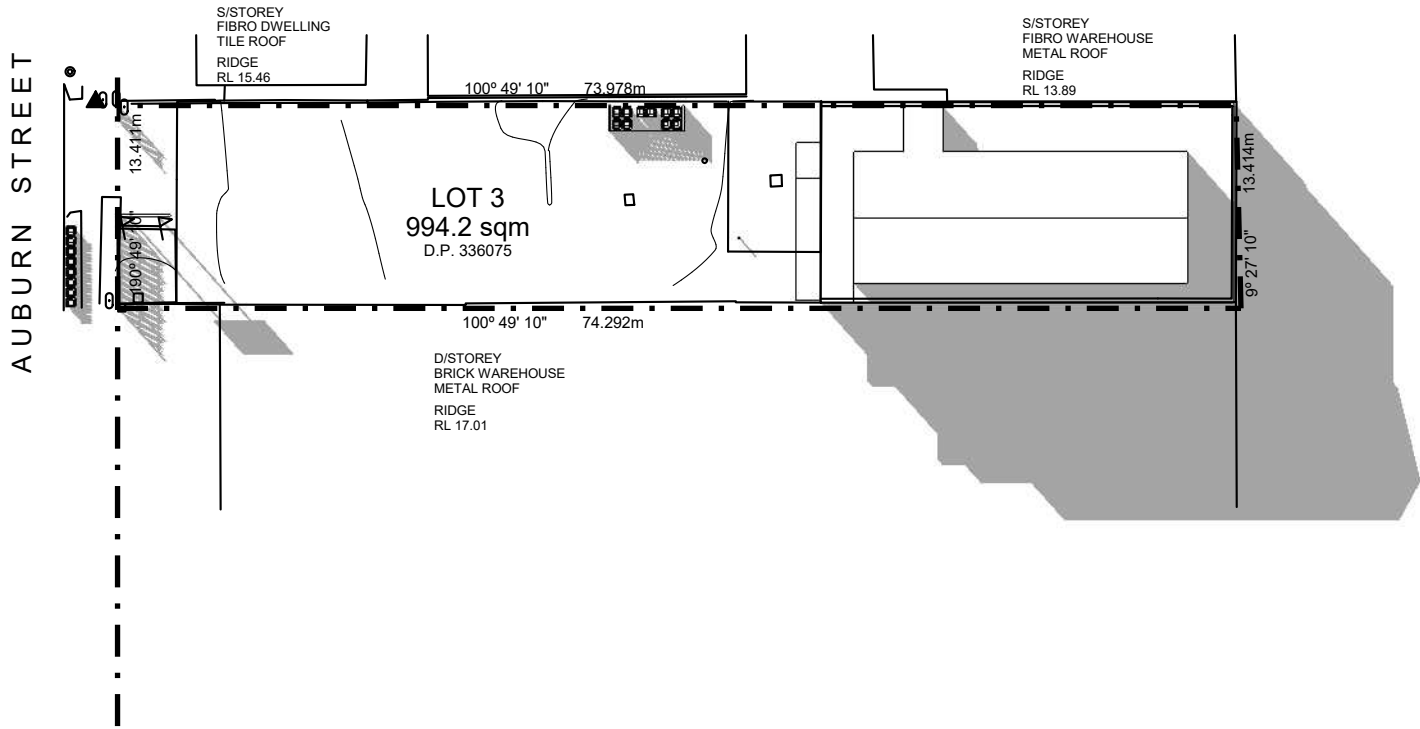
**A-150**



1 Shadow Diagram - 1pm (June 21st)  
- Scale: 1 : 500



1 Shadow Diagram - 3pm (June 21st)  
- Scale: 1 : 500



1 Shadow Diagram - 2pm (June 21st)  
- Scale: 1 : 500



**BUILDING DESIGNER**  
Redson Group Pty. Ltd.  
trading as 'Progenia'  
Wollongong, NSW 2500  
E: [contactus@progenia.com.au](mailto:contactus@progenia.com.au)  
A.B.N 21 158 799 663



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Issued for DA

**DESCRIPTION**  
Shadow Diagrams (2 of 2)

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# EXCEPTION TO DEVELOPMENT STANDARD VARIATION STATEMENT

## Floor Space Ratio

**Address:** 101 Auburn Street, Coniston  
**Proposal:** Light Industrial/High Technology Development  
**Date:** June 2020 (Revision A)

---

### 1.0 Introduction

The purpose of this variation statement is to outline the justification for seeking an exception to the maximum Floor Space Ratio (FSR) within Zone IN1 General Industrial Zone (being a development standard) contained within the *Wollongong Local Environmental Plan 2009 (WLEP 2009)*.

The advice herein relates to an application for the proposed alterations and additions of an existing industrial development at 101 Auburn Street, Coniston. In this regard, the proposed development will incorporate the reconfiguration of the ground floor layout (within the existing footprint); redevelopment and extension of the entire upper level 1; addition of upper level 2 and external works including the reinstatement of carparking along with new bicycle and motorcycle parking and new landscape areas to the peripheries.

The proposed development application seeks to provide an appropriate and balanced development/environmental outcome for the subject site, and the Coniston Industrial Centre area as a whole. In doing so, an exception to a development standard contained within *Wollongong Local Environmental Plan (LEP) 2009* is required with respect to exceeding the permitted FSR of 0.5:1. In this regard, the proposed development generally accords with all *LEP* controls, apart from a numerical variation being requested

to the Floor Space Ratio development standards contained within *Clause 4.4 Floor space ratio*.

This statement addresses relevant provisions in order to demonstrate that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the proposed. It is considered there are sufficient environmental planning grounds to justify the proposed variation being sought in that the development when complete will continue to be consistent with the surrounding land use context and built forms.

The details of this proposal are shown within the Development Drawings prepared by Progenia (attached to the application), which identifies the proposed Floor Space Ratio in question.

The commentary provided herein outlines the development standard variation being proposed, which should be read in conjunction with the Statement of Environmental Effects prepared by MMJ (June 2020) and other documentation submitted to Council in support of the Development Application (DA).

## **1.2 Overview**

The land is zoned IN1 General Industrial under the *WLEP 2009*. The zone objectives are as follows:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To facilitate and encourage appropriate forms of industrial development which will contribute to the economic and employment growth of Wollongong.*
- *To allow some diversity of activities that will not:*
  - (a) significantly detract from the operation of existing or proposed manufacturing and service industries, or*
  - (b) significantly detract from the amenity of nearby residents, or*



*(c) adversely impact upon the efficient operation of the surrounding road system.*

The relevant zoning objectives outline a need to strengthen the role of the Industrial areas within the Wollongong LGA by providing for a range of land use activities that support employment and maintain industrial uses that do not adversely affect the environment (as above).

The proposed development is both permissible within the IN1 zone as a High Technology use under the Light Industrial term, meeting the needs of the community by providing additional opportunities for employment within close proximity to the Coniston train station.

Such a proposal is in high demand for the immediate area (from a land use perspective) and the site itself is very accessible from a patronage and public transport viewpoint. Thus, the proposed development directly accords with the objectives of this zone.

## **2.0 Details of the environmental planning instrument, the applicable development standard and proposed variation.**

### **2.1 What is the applicable environmental planning instrument (EPI)?**

The *Wollongong Local Environmental Plan 2009 (WLEP 2009)*.

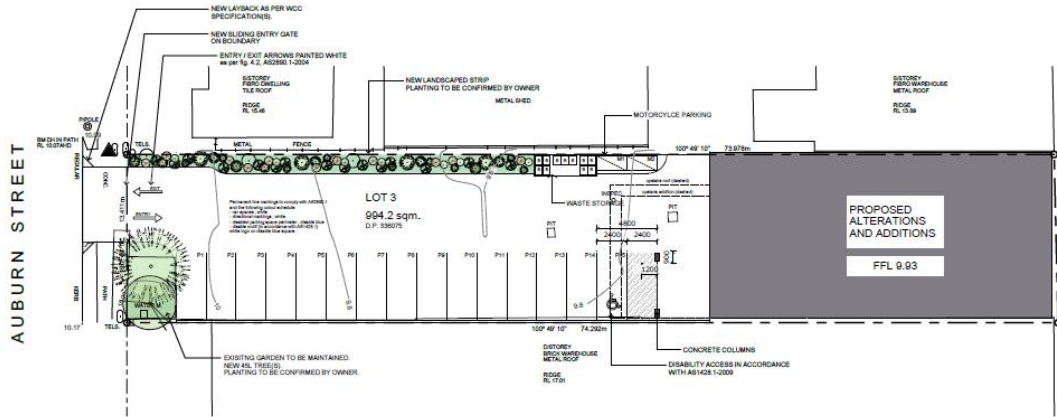
### **2.2 What is the development standard being varied?**

The Floor Space Ratio within Zone IN1 General Industrial requirement contained in *Part 4 - Clause 4.4(2)* of the *WLEP 2009* which states:

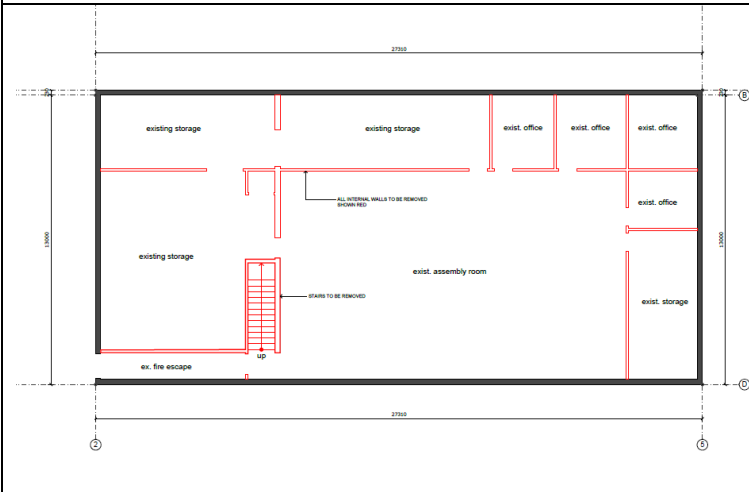
*“...(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#)....”*

In this regard, the development is sited within the rear portion of the site with an open area for parking and landscaping to the front (as is currently arranged on the site). Its

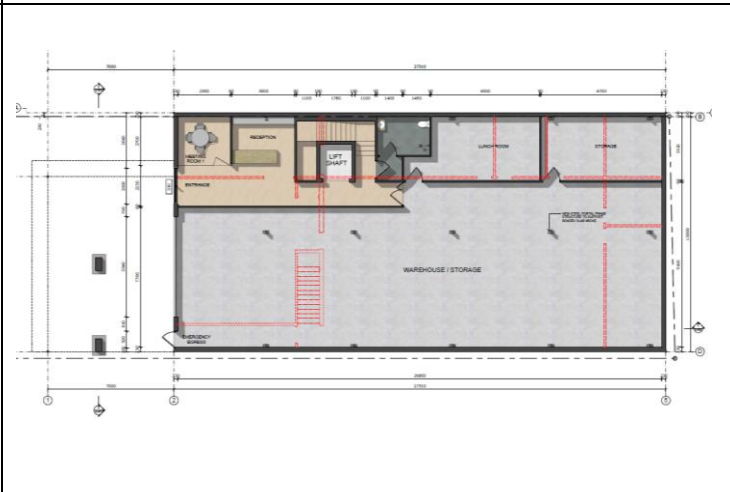
massing adopts a zero lot line to the northern and southern and rear facing western boundaries up to 10.95m over three (3) levels of warehouse and office space (*as amended*).

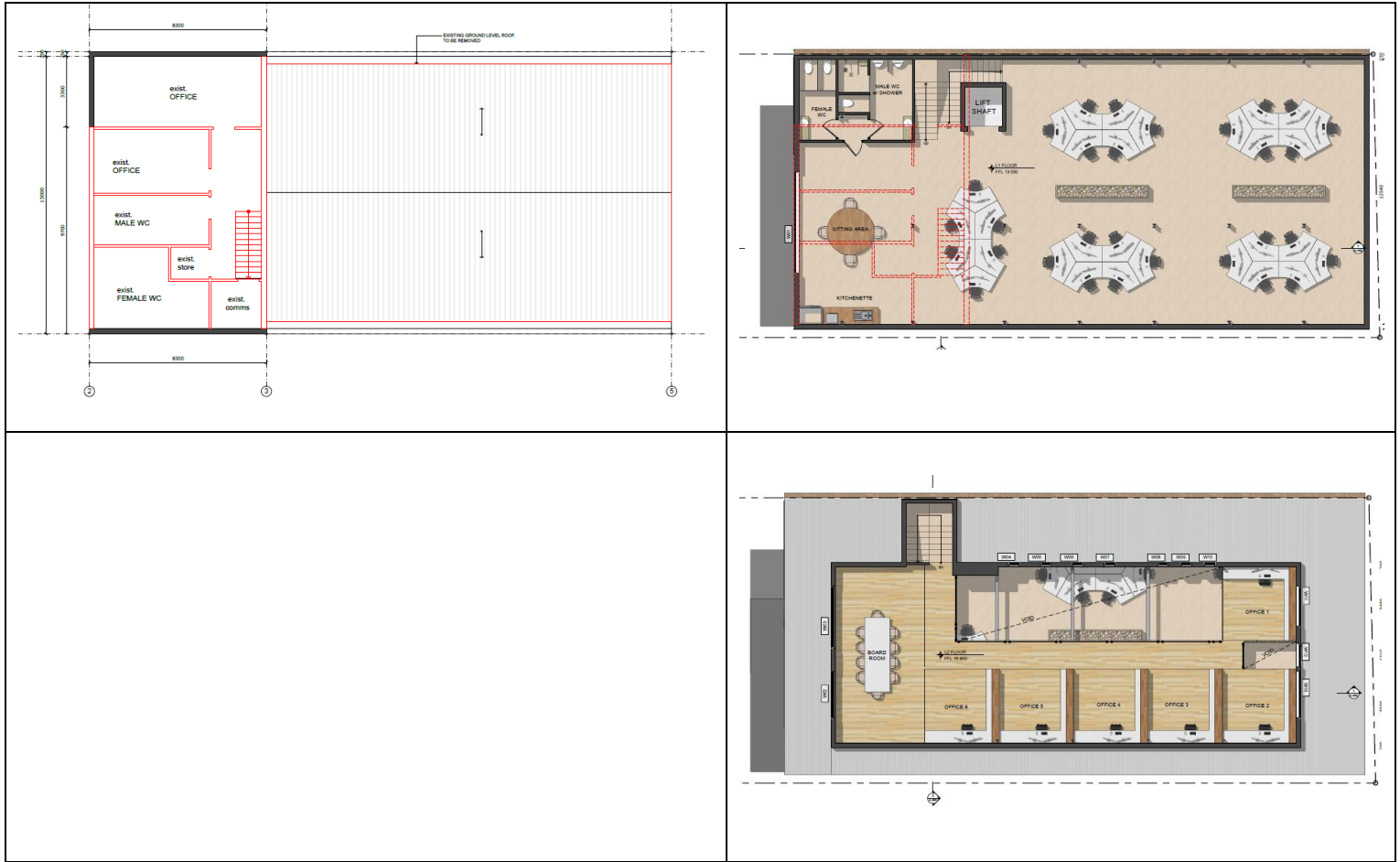


**Existing Development**



**Proposed Development**





### 2.3 What are the objectives of the standard?

The objective of this clause is:

- (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
- (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,
- (c) to ensure buildings are compatible with the bulk and scale of the locality.

Further consideration of this objective in relation to the proposed development is provided within the following sections below.

## **2.4 What is the percentage variation (between the proposal and the EPI)?**

The maximum floor space ratio permitted is 0.5:1 (497.1sqm for this site). The application proposes a floor space ratio of 0.82:1 (820.2sqm).

As such, the proposal exceeds the allowable FSR by 323.1/994sqm, which represents a variation of 32%.

## **3.0 Assessment of Proposed Variation**

### **3.1 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?**

Yes, compliance with the development standard is unreasonable in the circumstances.

In *Wehbe v Pittwater Council* [2007] NSWLEC827 (*Wehbe*), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While *Wehbe* related to objections pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 because subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]).

The five (5) ways outlined in *Wehbe* include:

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)
2. The underlying objective of purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and

hence compliance with the standard is unnecessary and unreasonable (Fourth Way)

5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the objectives of the standard are achieved irrespective of the non-compliance with the floor space ratio, and accordingly justifies the variation to the floor space ratio pursuant to the First Way and Fourth Way outlined in *Wehbe*, as follows.

Under WLEP 2009, Clause 4.4(2) has the following objectives in relation to the floor space ratio development standard:

- (a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,*
- (c) to ensure buildings are compatible with the bulk and scale of the locality.*

***Correlation between the size of a site and the extent of any development on that site***

The site has an area of 994.2sqm with a length of 74.29m and width of 13.41m. The development is for alterations and additions to the existing building on the site.

The development currently occupies only the rear of the site with an assembly room, storage areas and offices on the ground floor. The upper floor sits to the front of the development and occupies approximately one third of the potential upper floor area. The upper floor area currently contains two (2) offices and Male and female WC's and a communications store. The development currently appears as a two storey development from the street.



The proposed development will reconfigure the ground floor area (no extension) and extend the upper floor to extend to the extent of the ground floor external floor plate, along with a second upper level that is set back from all associated boundaries. The development will present as three (3) storey, however is considered to be still in keeping with the surrounding context of mixed industrial buildings.



The development allows for a setback from the road of 46.48m Ground Floor and Level 1 & some 48.5m for upper Level 2. The neighbouring developments are both zero allotments to the front and sides of their site. Adjoining 101a is assumed to have a FSR in the order of 1:1 of greater and a site coverage of approximately 90%.

In this regard, the proposed development is well designed (and an improvement on the existing development, and the neighbouring developments) and essentially does not occupy more “space” than the existing development or occupy more “space” than the neighbouring developments. The site coverage and proposed setbacks of the proposal remain unchanged, if not marginally reduced with the removal of the lower awning structure.

Thus, the development is appropriate for the site in relation to the size of the site and the extent of the proposed development on that site.

### ***Development density and intensity of land use and infrastructure***

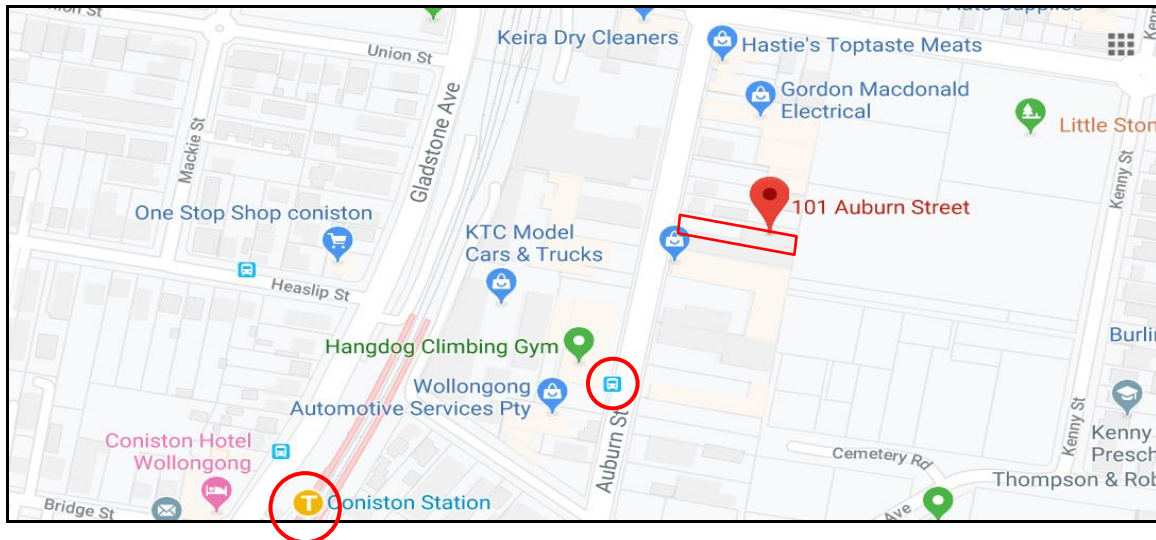
The proposed development is in entirely in keeping with the strategic land use objective for Industrial land use. Whilst there is a range of built forms and density, it is evident that over time a large percentage of sites in the immediate vicinity already exceed the permitted FSR of 0.5:1. As aforementioned, the proposed development is contained

entirely within the existing building footprint whereby the perception of increased density will be minimal.

Furthermore, the proposed development intends to operate the site as it has been done by Illawarra Communication for many decades, albeit in a updated built form. This includes no increase to personnel given that on average Illawarra Communication employed on average 35 staff at the site during their time to which the proponent does not intend to exceed. Therefore, it is considered that the proposed application does not result in the intensification of the site by way of personnel or land use.

The Wollongong Development Control Plan 2009 (WDCP 2009) sets the rates for parking within industrial developments. In this regard the development requires 1 space per 75sqm of warehouse and 1 space per 40sqm of office. The total required spaces for the development is therefore 14 (rounded to the nearest whole number). The Wollongong DCP (WDCP2009) also provides an allowance where the development is *within 400 metres of a bus stop or within 800 meters of a railway station or within 400 of a public car park*. The site is both within 400m of a bus station and within 800m of a railway station and therefore making the property eligible for a parking reduction under the DCP. Notwithstanding this, the proposed has not applied any applicable parking reduction in this instance and rather maintain historic parking arrangements for the site of some 15 spaces. The rational in this instance, is that a survey of the availability of surrounding street parking, it frequently parked out to it's capacity and therefore on-site parking where possible should be retained as a priority.





In this regard, there is sufficient infrastructure, in terms of public transport, to service the site. For employees and visitors that intend to park on site, fifteen (15) car parking spaces have been provided on the site (including one accessible space) and two (2) motorbike spaces, thereby exceeding the requirements.

### ***Bulk and scale of the locality***

As described above, the bulk and scale of the development has been taken into account with comparisons to the existing development on the site and other developments in the area.

The bulk and scale (as an objective) is solidified, in this case to the Fourth way described in *Wehbe v Pittwater Council* [2007] NSWLEC827 (*Wehbe*).

*“The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable”*

To support this objective and demonstrate that the bulk and scale is not unreasonable, a site analysis has been undertaken by Progenia of developments within the vicinity of the subject site (attached to this application).

The site analysis identifies fourteen (14) developments within the vicinity and their relevant Floor space ratios.



The analysis reveals ten (10) of the fourteen (14) sites sampled exceed their permitted floor space ratio.

NEIGHBOURING LOTS							
REF No.	LOT NUMBER	DP NUMBER	CALC. SITE AREA	CALC. FLOOR AREA	CALC. FSR	2009 LEP FSR	VARIATION
#01	G	8619	795	392	0.49	0.5	-
#02	F	8619	811	468	0.58	0.5	0.08
#03	B	402266	888	572	0.66	0.5	0.16
#04	A & 3	402266	1024	446	0.43	0.5	-
#05	1 & 4	5330 & 402266	1918	1408	0.73	0.5	0.23
#06	2	5330	1467	924	0.63	0.5	0.13
#07	1 & A	1083834	1146	400	0.35	0.5	-
#08	B & C	348964	1818	970	0.53	0.5	0.05
#09	2	336075	1000	958	0.96	0.5	0.46
#10	-	SP 50913	4018	2573	0.64	0.5	0.14
#11	101	841565	2408	1423	0.59	0.5	0.09
#12	102	841565	1825	998	0.55	0.5	0.05
#13	C	449620	897	583	0.65	0.5	0.15
#14	1	1124752	1767	685	0.37	0.5	-
SUBJECT LOT							
#	3	336075	994.2	740.7	0.75	0.5	0.25

Further, from a specific bulk and scale perspective, the proposed development is entirely in keep of the surrounding context with a vast range of development types. Notably one of the more recent redevelopments in the area including the warehouse complex at 124-130 Auburn St, Wollongong that are in the form of high clearance warehouse unit suites that are of a comparable bulk and scale.

On this basis, the proposed development has been assessed against each objective contained in clause 4.4(1) of WLEP 2009, and additionally demonstrated that precedence for exceeding the floor space ratio within this area has previously been accepted by Council. Thus, deeming strict compliance with the floor space ratio values is unwarranted in the circumstances of this particular case.

### 3.2 Are there sufficient environmental planning grounds to justify contravening the development standard?

“Environmental planning grounds” take their colour from the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (EPA Act), including its objects. The below provide a breakdown of the key environmental planning grounds which support the proposed variation request, including:

*The unique circumstances at the site which warrant the provision of increased floor space ratio:*

The additional floor space proposed is contained entirely within the footprint of the existing development and is entirely in keeping with the surrounding industrial context of the site. The development is set well back from the street front where an excess of parking is provided to service the development.

Contextually and as proven in submitted documentation, a large number of surround properties already exceed the current permitted FSR of 0.5:1 by virtue of historic permissibility's. As proposed the redevelopment is presented in a way that it is respectful of the existing built environment and will not result in adverse environmental impacts to surrounding properties.

Therefore logically, restricting a the floor space ratio by is completely impractical for an Industrial IN1 zoned site at this location and, therefore, unreasonable, given the historic precedence presented in this instance, which are unlikely to change for many decades given the variance of ownership throughout the area.

*The proposed building form does not result in any significant adverse impacts and achieves a good development outcome for the site:*

The extension of the building to the upper floors are a direct design response with the intent to allow the site to respond to the demand for high technology employment in the area, whilst supporting Wollongong Councils objectives for built form within the IN1 General Industrial area. Limitations due to flood related impacts on the site, do not permit the occupancy of the ground floor level (as existing), and therefore requiring it to be retained for warehouse use, which logically only leaves upper level alterations and additions to achieve the desired area required.

The proposed bulk and scale of this building is considered appropriate for this Industrial location, and will not detrimentally affect the visual appearance of the area (in fact it will substantially improve an aged part

of the area, which is undergoing change with other similar scale redevelopments occurring nearby). The overall height and form of the development is consistent with expected future desired character strategies for the area.

*The delivery of a development outcome which does not result in any adverse environmental impacts*

Environmentally sustainable measures incorporated in the development include:

- Is consistent with the surrounding built environment;
- In no way conflicts with adjoining land use;
- Historic on-site parking is being maintained in full and thereby reducing the need for reliance of street parking;
- The development will provide a positive contribution to the streetscape amenity through the revitalised facades; and
- The land use will provide ongoing activation in the area and employment growth and opportunities.

Overall, it is evident from the above commentary provided that there are sufficient planning grounds to justify contravening the floor space ratio development standards identified. To this end, strict compliance with the numerical development standards are both unwarranted and unnecessary in this instance.

**3.4 Does contravening the development standard raise any matters of significance for the State or regional environmental planning?**

No, contravening the development standard in this case does not raise any matters of State or Regional planning significance.

**3.5 Is the objection well founded?**

For the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance. Granting an exception to the development standard can therefore be supported in the circumstances of the case.



The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in *Section 1.3* of the *EPAA 1979*.

#### **4.0 Conclusion**

The proposed variation is based on the reasons contained within this request for an exception to the stated *Floor Space ratio* requirement, being a development standard contained within the *WLEP 2009*. The proposal will not result in any adverse impacts with regards to the amenity of the adjoining properties.

The proposed non-compliance is unlikely to result in any future precedents given the surrounding pattern of development and the combination of zoning and other associated controls currently in place.

In conclusion, the objection is considered to be well founded and compliance with the standard is unreasonable in the circumstances of the case.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD



**BEN MCNAMARA** *DipArchTech PIA(assoc.)*  
TOWN PLANNING ASSOCIATE

## **Attachment 5:        Draft Conditions DA-2019/1332**

- 1)        The development shall be implemented substantially in accordance with the details and specifications set out on  
General Cover Sheet G-000 Rev 7 dated 2 March 2020 prepared by Progenia  
General Site Plan G-100 Rev 7 dated 2 March 2020 prepared by Progenia  
Site Analysis Plan A-100 Rev 7 dated 2 March 2020 prepared by Progenia  
Existing Ground Floor Plan A-199 Rev 7 dated 2 March 2020 prepared by Progenia  
Ground Floor Plan A-200 Rev 7 dated 2 March 2020 prepared by Progenia  
Existing First Floor Plan A-199 Rev 7 dated 2 March 2020 prepared by Progenia  
First Floor Plan A-201 Rev 7 dated 2 March 2020 prepared by Progenia  
Level 2 Floor Plan A-202 Rev 7 dated 2 March 2020 prepared by Progenia  
North and East Elevation A-250 Rev 7 dated 2 March 2020 prepared by Progenia  
South and west Elevation A-251 Rev 7 dated 2 March 2020 prepared by Progenia  
Section 1 and Section 2 A-400 Rev 7 dated 2 March 2020 prepared by Progenia  
Roof Plan A-300 Rev 7 dated 2 March 2020 prepared by Progenia  
Existing Car Parking Modification Plan A-050 Rev 7 dated 2 March 2020 prepared by Progenia  
Site Waste Minimisation Plan G-300 Rev 7 dated 2 March 2020 prepared by Progenia  
Demolition Plan G-099 Rev 7 dated 2 March 2020 prepared by Progenia  
and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### **General Matters**

- 2)        **Building Work - Compliance with the Building Code of Australia**  
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3)        **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 Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.  
  
**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4)        **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.

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

- 5) **Fire Safety Schedule**  
When issuing a Construction Certificate, a Principal Certifier must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.
- 6) **Present Plans to Sydney Water**  
Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.  
Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.
- 7) **Endeavour Energy Requirements**  
The submission of documentary evidence from Endeavour Energy to the Principal Certifier is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.  
**Note:** Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.
- 8) **Car Parking and Access**  
The development shall make provision for a total of 14 car parking spaces (including 1 car parking space for people with disabilities), 2 motorcycle parking spaces and 4 (Class B) employee bicycle 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.
- 9) The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 10) Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.
- 11) The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 12) **Structures Adjacent to Driveway**  
Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (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.
- 13) 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.
- 14) 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) deletion of the following plant species since they are unsuitable for the proposed location:
    - Lophostemon confertus
  - b) planting of shade tolerant species in the northern landscape strip, that are also capable of growing to a height to provide a screen between the car park and northern neighbour;



- c) planting of a tree in the front landscape bed that does not grow to a depth likely to interfere with the water mains;
- d) deletion of one car parking space within the car park and replacement with a canopy tree. A list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- c) 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;
- d) 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; and
- e) any proposed hard surface under the canopy of 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.

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

- 15) Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.

16) **Stormwater Drainage Design**

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

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

17) **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 11.49 metres AHD.
- b Any portion of the building or structure below RL 11.49 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 DCP2009.

- c The proposed additions and alterations shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including RL12.01 metres AHD.

18) **Site Filling**

Filling on the site within the floodplain is not permitted. This requirement shall be reflected on the Construction Certificate plans.<sup>19)</sup>

**Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$10,270.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

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

Where:

**\$C** is the original contribution as set out in the Consent

**CP1** is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

**CP2** is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1180672	Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	Cash Credit Card Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

**Prior to the Commencement of Works**

20) **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a) stating that unauthorised entry to the work site is not permitted;
- b) showing the name, address and telephone number of the Principal Certifier for the work; and
- c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

21) **Demolition Works**

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

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

22) **Sediment Control Measures**

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

23) **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, 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.

24) **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

## **During Demolition, Excavation or Construction**

25) **Wollongong Cemetery**

During demolition and construction, appropriate measures are to be undertaken to ensure no damage occurs to the Wollongong Cemetery.

26) **Minimise nuisance**

During demolition and construction, measures shall be taken to minimise nuisance on neighbouring properties.

27) **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.

28) **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

The construction works noise shall comply with the Australian Standard AS 2436-2010 "Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites" and any other requirements as specified by Council or the NSW Environment Protection Authority.

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.

29) **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.

30) **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.

- 31) **Flood Compatible Materials – Electrical**  
All power service (metering) equipment, power outlets, switches etc. shall be located above RL 11.49 metres AHD. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 11.49 metres AHD should be capable of disconnection by a single plug and socket assembly.
- 32) **Fences**  
Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.
- 33) **Demolition Works**  
The demolition of the existing structures shall be carried out in accordance with Australian Standard AS2601-2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.  
No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

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

- 34) **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.
- 35) An effective Flood Emergency Response Plan (FERP) and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective flood emergency response process and procedure for upper floor evacuation during the peak of storm events up to and including the Probable Maximum Flood being RL 11.51 metres AHD in this instance.  
  
Notification of the presence of the FERP and procedure will be placed on the section 10.7 certificate for the property to ensure future property owners are made aware of the procedure in the case of flood.
- 36) **Drainage WAE**  
The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

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

### **37) Storage of Items Susceptible to Flood Damage**

All goods, materials, equipment, and other items susceptible to damage when inundated shall be stored/located above RL 11.49 metres AHD.