

Wollongong Local Planning Panel Assessment Report | 1 June 2021

WLPP No.	Item 2
DA No.	DA-2020/1274
Proposal	Residential – Alterations to existing shop top housing, minor alterations to café and addition to dwelling, detached garage and studio.
Property	40 Moore St, AUSTINMER NSW 2515 Lot 1 DP 1073935
Applicant	Studio Takt
Responsible Team	Development Assessment and Certification – City Wide Planning Team (SG)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the WLPP for **determination** pursuant to part 3 of Schedule 2 of the Local Planning Panels Direction, as the development application seeks a departure from development standards by more than 10%. The existing FSR already exceeds the permitted FSR for the site.

Proposal

The proposal seeks consent for the alteration and addition to the existing shop top housing.

Permissibility

Shoptop housing is permissible in the R2 Low Density Residential zone. Demolition is permissible on land to which the WLEP 2009 applies.

Consultation

The proposal was exhibited in accordance with the Community Participation Plan 2019. A total of eight (8) submissions were received during this period.

The submissions received are discussed at section 1.5 of the assessment report.

The proposal has been referred to Council's Heritage, Health, BCA and Development Engineering Officers, with conditionally satisfactory referral advice provided in each instance.

Main Issues

The main issues arising from the development assessment process are:

- Departure (Clause 4.6 departure in respect of Clause 4.4 of WLEP2009), and
- Issues raised in submissions.

RECOMMENDATION

Development Application DA-2020/1274 be **approved** subject to the conditions contained in Attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Coastal Management) 2018
- SEPP Koala Habitat Protection 2020

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2020 (section 7.12 of EP&A Act 1979)
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Alterations Ground Floor Café

- Demolish existing toilets,
- Reconfigure existing storeroom area to include toilet facilities, and
- Excavate a subfloor area to rear for storeroom.

Addition Café

- Formalised pathway and bin store for café.

Alteration Dwelling -

- Alter existing bathroom area and
- Reconfigure existing kitchen area, and
- Extend existing living and dining area.
- Replace existing balcony material with more complimentary material.

Addition Dwelling – Garage and Studio

- Addition to rear of a detached garage with studio, and
- POS area established including landscape treatment, fence and wall to separate uses. This includes relocation of existing boundary fence.

1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
BC-2010/150	Ground floor shop/cafe space	19/10/2010	Approved

DA-2006/1706/A	Change of use from butchers' shop to cafe and outdoor seating - modification to delete conditions 8, 9 and 10.	1/8/2010	Approved
DA-2006/1706	Change of use from butchers' shop to cafe and outdoor seating	13/12/2006	Approved

The heritage report discusses the construction of the building in 1920's and the previous use as a butcher shop on the ground floor with a residential unit above. The change of use from a butcher to a café was approved in 2006. The site was previously part of a parent lot that combined the shop lot adjoining to the east the subdivision created 2 lots Lot 1 and Lot 2 DP 1073935 in 2004. Previously the use of the lots would have been defined as commercial premises and residential flats. The site was previously zoned 2b Medium Density Residential Zone under WLEP 1990.

The current lot size is 235.9m² and the current gross floor area of the combined buildings is 129.9m² which has an existing FSR of 0.55:1 exceeding the maximum 0.5:1 FSR for the site.

Customer service actions:

There are no outstanding customer service requests of relevance to the development, at the time of preparing this report.

1.4 SITE DESCRIPTION

The site is located at 40 Moore Street, Austinmer and the title reference is Lot 1 DP 1073935. The site currently contains a structure defined as Shoptop housing consisting of one ground floor unit and one single dwelling above. The site has two frontages including Moore Lane and Moore Street. The site is currently accessed via Moore Street, the southern lot boundary, which is a one way lane.

The site is a rectangular shape with a total area of 235.9m² and has a narrow frontage of 7.25m wide to the front and 8.2m width at the rear southern boundary and has a site depth of 30.5m. The site shares a common area, access easement with the adjoining shop, as a result of the subdivision of the lot from Lot 2 DP 1073935.

The site is situated in a heritage conservation area of mixed uses including residential and commercial premises located to the north and east. The site is also listed as Heritage Item 6509 referred to as a Group of Shops, consisting of three shops and residences.

Moore Street is characterised as a mix residential and commercial uses. Adjacent to the site is a row zoned B1 Neighbourhood Centre which includes dwellings, shops, cafes and a church. The residential component is primarily single and two storey dwellings. The street is lined with trees and maintains a high level of heritage character. Austinmer Train station is located approximately 145m to the west of the site and Austinmer beach approximately 300m to the east.

Property constraints

- Acid sulphate soils Class 5.
- Flooding: The site is identified as being located within an uncategorised flood risk precinct.
- Easement for drainage, services and right of footway.
- Heritage: Wollongong Local Environmental Plan 2009 Heritage Item 6509 and the site is located in a Heritage Conservation area.



Figure 1: Aerial photograph

1.5 SUBMISSIONS

The application was notified in accordance with the Wollongong Community participation Plan 2019. Eight (8) submissions was received and the issues identified are discussed below.

Table 1: Submissions

	Comment
1. Storage of Garbage Bins	The proposal includes a bin store area to the rear. Waste collection has been considered by Councils Development Engineering Officer and considered satisfactory.
2. Height of garage and studio	The laneway has many two storey elements fronting the lane. Fencing, trees and single storey garages and two storey buildings dominate the laneway. The height is compliant with controls and in keeping with the existing two storey building on the site.
3. Character of the area	The area is varied with the laneway over time undergoing change. The developable area of the site is limited due to the existing site width. The proposed garage and studio are not considered out of character with Moore Lane or Moore Street.
4. Amenity impacts <ul style="list-style-type: none"> • Solar • Loss of Views 	Additional shadow diagrams were provided detailing existing shadows and proposed shadowing during March and June equinox periods. Elevation shadow diagrams were also provided for the southern elevation of 42 Moore St. Solar

	Comment
	<p>diagrams indicate adequate solar access to both adjoining properties.</p> <p>A view impact analysis has been provided. View sharing is still considered to be achieved with only a minor portion of views impacted. Noting none of the views would be classed as significant.</p>
5. Non-compliance rear setback	The application was accompanied by a variation request which provided suitable justification.
6. Overdevelopment	The suburb of Austinmer continues to undergo change and redevelopment. The proposal is permissible in the zone and not considered of unreasonable scale.
7. Use of studio	The use is proposed to be used in conjunction with the existing residential accommodation. Suitable conditions of consent can be applied to restrict additional uses of this area.

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

The additional information was not re-notified as no significant plan changes were noted. The supplementary material submitted to address the matters raised in Council's additional information letter dated 9 February 2021 is considered to satisfactorily address the matters and concerns raised.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Heritage Officer

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

Development Engineering Officer

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

Health Officer

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

BCA/NCC Officer

Council's BCA/NCC Officer has assessed the application submission and has provided conditionally satisfactory advice.

1.6.2 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

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

Minor earthworks are required as the proposal includes excavation to the lower level. The proposal does not comprise a change of use of the site for commercial and residential purposes, Council records do not indicate any history of contamination on the site. As such it is considered Clause 7 matters are satisfied.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area.

The subject site is not mapped as being within the Site Investigation Area for Koala Plans of Management pursuant to the SEPP Maps. This mapping is provided as a tool for Council in developing Koala Plans of Management and does not apply to the development application process. Council does not have an approved Koala Plan of Management for the land at the time of preparing this report, and as such, no further consideration of this SEPP is required.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY COASTAL MANAGEMENT 2018

Maps published with the SEPP indicate the land is located in an overlapping Coastal Environment area and Coastal Use area.

Division 1 clause 11 applies to areas in the buffer are (or proximity) to Coastal Wetlands. Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment - The development site is not within mapped as being within proximity to Littoral Rainforest or Coastal Wetlands areas.

(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map. The area is not the area identified as Coastal Wetlands or Littoral Rainforest.

Division 3 clause 13 applies to coastal environment areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on vegetation, marine life and water quality, vegetation, Aboriginal heritage and community access.

Comment- There are no foreseeable additional impacts as a result of this proposed alterations and additions to the existing dwelling and therefore the clause is considered satisfied.

Division 4 clause 14 applies to coastal use areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on safe public access, overshadowing, wind funnelling, loss of views, visual amenity, Aboriginal heritage and cultural and built environment heritage.

Comment - There are no foreseeable additional impacts as a result of the proposed alterations and additions to the existing dwelling and therefore the clause is considered satisfied.

Division 5 includes general provisions for development in the coastal zone. Clause 16 applies to development in the coastal zone generally and states that development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment - There are no foreseeable additional impacts as a result of the proposed alterations and additions to the existing dwelling and therefore is considered satisfied.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

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

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope is impacted by coastal geotechnical risk.

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

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Demolition: In relation to a building means wholly or partly destroy, dismantle or deface the building.

Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note—

Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

Residential accommodation means a building or place used predominantly as a place of residence, and includes...

(m) Shop top housing.

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

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

Note—

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

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 R2 Low Density Residential, as demonstrated by Figure 2 below.

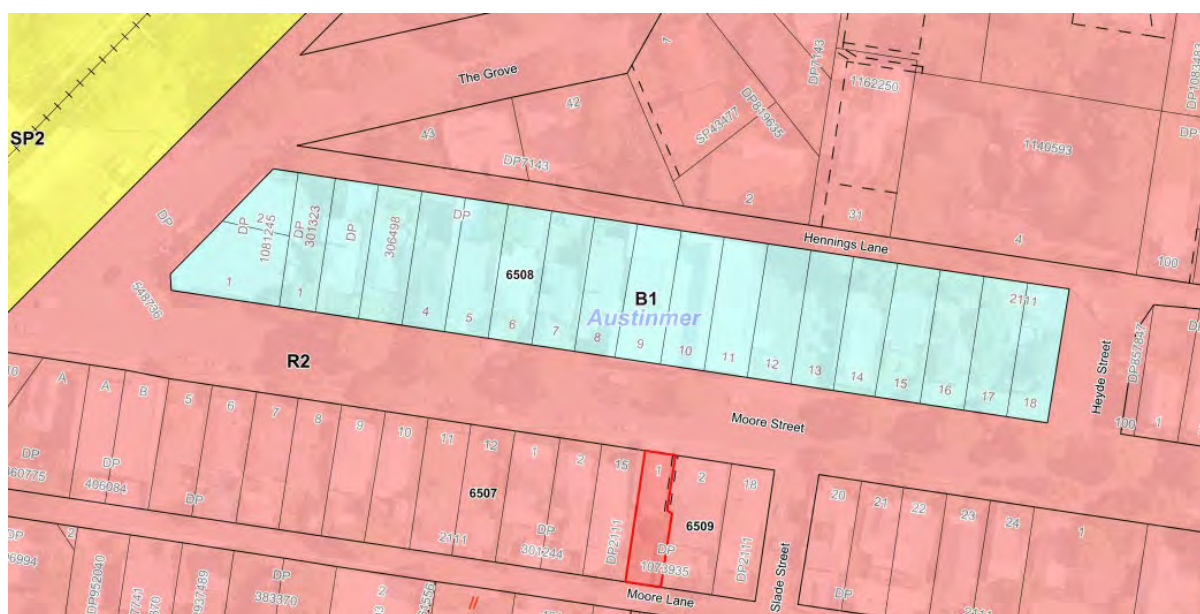


Figure 2: WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed alterations and additions to the existing dwelling and café are considered consistent with the objectives for the zone.

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

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; **Shop top housing**; Signage; Tank-based aquaculture; Veterinary hospitals.

Clause 2.7 Demolition requires development consent

Consent for the partial demolition associated with the café and the existing dwelling / unit a portion of the walls are sought as part of the subject application. Conditions are recommended in this regard.

Part 4 Principal development standards

Clause 4.3 Height of buildings

No proposed change to the existing building height of 8.3m and the proposed rear building is 5.5m in height and does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Objectives

(1) The objectives of this clause are as follows:

(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.

(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.

Maximum FSR permitted for the zone **0.5:1**. Existing site area **235.9 m²**

Permitted	Existing	Proposed
Permitted GFA: 117.95m ²	Existing GFA: 129.9m ²	Proposed GFA: 177.8m ²
Permitted FSR: 0.50: 1	Existing FSR: 0.55:1	Proposed FSR: 0.75:1
	Existing departure to permitted FSR: 5%	Resultant departure to permitted FSR: 25%

Comment: 0.75:1 FSR proposed.

Variation sought for 47.9m² of floor area (37%) to the existing FSR. The existing FSR exceedance is calculated at 5% of the permitted 0.50:1 FSR. The proposed FSR exceedance is calculated at 20%. Noting the sites to the North are zoned B1 Neighbourhood Centre and have an FSR of 0.75:1.

It is unclear if FSR departures have been permitted in the street and adjoining laneways. The subject lot is 235m² which is also below the minimum 450m² minimum required for lots zoned R2.



Figure 3: Site Inspection Moore Street frontage



Figure 4: Site Inspection Moore Lane rear boundary

Clause 4.6 Exceptions to Development Standards

A variation is requested to Clause 4.4 Floor Space Ratio and therefore this clause applies. The applicant has provided a variation request (see attachment 3) in accordance with Clause 4.6 of the WLEP 2009 as detailed in the table below.

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	Yes. The applicant's request contains this justification. In summary the justification relies on compliance with the floor space ratio standard in this instance being unnecessary as there are no unreasonable impacts arising from the non-compliance and the development is consistent with the objectives of the standard despite the non-compliance.
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's request contains this justification shown at Attachment 3.
4.6 (4) (a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The applicant's request has adequately addressed the matters required to be addressed by subclause (3). The applicant's request is based on the rationale that the variation to Clause 4.4 is considered to be consistent with the objectives of the clause. As the curtilage of the dwelling is primarily retained and the development standard already exceeded. The addition of 47.9m ² is considered modest.
(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	The proposed development will be in the public interest because (a) it is consistent with the objectives of the floor space ratio standard; (b) the objectives for development within the R2 zone will be achieved; (c) the development is not expected to compromise the development potential of neighbouring sites. The objectives of the standard are to ensure appropriate correlation between the size of a site and development, to establish the maximum development density and intensity of land use and to ensure buildings are compatible with the bulk and scale of the locality. The bulk and scale of the existing building is relatively minor and not visible from the street. The proposed addition is not considered inconsistent with the objectives of clause 4.4. The correlation between the size of a site and the proposed addition to the existing dwelling is considered satisfactory. The existing lot is considerably smaller than the minimum lot size of

	<p>450m² at 232m². The overall scale of the existing dwelling is considered minor however the proposed addition of 8m² development is considered minor. It is noted the sites across from the Site have an FSR of 0.75:1 and are zoned B1 Neighbourhood centre with most having mixed uses.</p> <p>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 is not considered unreasonable. There are no foreseeable impacts on traffic as there is currently no formalised car parking provided on the site. It is not envisaged the proposal would impact pedestrian traffic or existing infrastructure.</p> <p>The non-compliance arises in part due to the existing dwelling non-compliance and therefore compliance is unable to be achieved.</p> <p>There is not considered to be a public benefit served in this instance by insisting on strict compliance with the standard.</p> <p>As outlined in section 2.3 the proposed development has regard to the objectives for development within the zone.</p> <p>The development will remain consistent with the objectives of the R2 zone despite the non-compliance with Clause 4.4. The departure is considered capable of support.</p>
(b) the concurrence of the Planning Secretary has been obtained.	No; the application has been referred to the Wollongong Local Planning Panel Council as the FSR is already exceeded beyond the 10% concurrence as per ministerial direction.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

The site contains a heritage listed building with which the proposal relates. It is also situated within a heritage conservation area and in the vicinity of several other heritage items. Councils Heritage Officer has provided satisfactory comment pending imposition of conditions.

Part 6 Urban release areas

Not applicable.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site improvements are already serviced by electricity, water and sewage services. It is expected that these existing services will be capable of supporting the proposal.

Clause 7.5 Acid Sulfate Soils

The site is mapped as containing Acid Sulfate Soils – Class 5 however no earthworks area proposed as a result of the alterations and additions to the existing dwelling.

Clause 7.6 Earthworks

The proposal requires minor any earthworks within the existing dwelling and cafe curtilage and site preparation works to the rear.

Clause 7.13 Flooding

The site is listed in Council records as flood affected. Council's Development Engineering Officer has considered the flood levels and noted any flood affectation is contained to the front towards Moore Street the works proposed would not affect flood affectation for the site.

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

Not relevant.

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

See attachment 5.

2.3.1 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2020

The estimated cost of works is >\$100,000 (\$326,000) and a therefore a levy is applicable under this plan as the threshold value is \$100,000.

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

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

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

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

Conditions of consent are recommended with regard to demolition including asbestos management. The area is situated within the Coastal zone as discussed above.

93 Fire safety and other considerations

Not applicable the proposal is not seeking a change of use.

94 Consent authority may require buildings to be upgraded

Fire safety upgrades are required and have been included as conditions of consent.

168 Fire Safety Schedule

Applicable – a fire safety schedule will be prepared and issued with the Construction Certificate by the accredited certifier. It is noted the existing building does have a current Fire Safety Schedule.

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

Context and Setting:

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

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

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

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The proposal exceeds the allowable Floor Space Ratio for the site though the additional gross floor area has demonstrated a relatively minor amount of additional overshadowing of adjoining properties and does not impact the development potential of any nearby site.

With regard to the visual impact, the development is not considered to be inconsistent with the desired future character of the area, as discussed above relates predominantly to new dwellings. The area is currently made up of single, two storey dwelling houses and mixed use buildings, however, is likely to be subject to replacement of older housing stock. The development would not be considered to result in an unreasonable visual impact.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning and existing and future character of the area and is not considered to be incompatible with the context and setting or existing and future desired character of the local area.

Access, Transport and Traffic:

The development seeks to formalise access and parking from Moore Lane with a detached rear garage.

Public Domain:

The replacement of the existing balcony balustrade on the upper level of the existing dwelling is considered satisfactory and in keeping with the heritage of the building and area with minimal impact on the public domain. The rear garage and studio are not expected to impact on the public domain.

Utilities:

The site is serviced by existing utilities the proposal would not be envisaged to place additional demands on the existing utilities.

Heritage:

The site contains a heritage listed building with which the proposal relates. It is also in a heritage conservation area and in the vicinity of several other heritage items. The proposal is not envisaged to impact on heritage items in the area. The proposed addition to the rear is considered to have appropriately considered the character of the area.

Other land resources:

The proposal would not be envisaged to impact upon valuable land resources.

Water:

The site is presently serviced by Sydney Water, which is expected to be capable of extension to meet the requirements of the proposed development.

The proposal would not be envisaged to have unreasonable water consumption.

Soils:

Council records indicate the site is affected by Acid Sulphate Soils – Class 5 there is minor excavation and site works proposed as a result of the proposal.

Air and Microclimate:

The proposal would not be expected to result in negative impacts on air or microclimate.

Flora and Fauna:

The site is not identified within Councils land information system as being known to contain any threatened fauna species or habitat.

Waste:

A condition is recommended requiring that an appropriate receptacle be in place for any waste generated during the construction. Existing street collection is proposed to be relied upon for the occupation of the development and is considered appropriate. A designated waste storage area is incorporated into the proposed rear building.

Energy:

The proposal would not be envisaged to have unreasonable energy consumption.

Noise and vibration:

The proposal would not be envisaged to generate additional noise or vibrations.

Natural hazards:

Council records list the site as affected by flooding. The proposed alterations and additions are not envisaged to have further impact on any flood affectation of the site or local area.

Technological hazards:

The site is not affected by any technological hazard which would result in adverse impacts on the development.

Safety, Security and Crime Prevention:

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

Social Impact:

The proposal would not be envisaged to result in negative social impacts.

Economic Impact:

The proposal would not be envisaged to result in negative economic impacts.

Site Design and Internal Design:

The application does result in a departure from WLEP 2009 with regard to the development standard for Floor Pace Ratio as discussed throughout the report. The request has been considered and is considered capable of support in this instance, as discussed at section 2.1.4 above.

New private open space is proposed as is vehicular access and parking, pedestrian access is also proposed to be upgraded and improved regarding the café and defined rear access. The internal changes to the existing buildings are considered modest and appear to provide better functionality.

Construction:

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

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

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts.

Ecologically Sustainable Development Considerations

The proposed development is not considered to be inconsistent with ESD principles as evidenced by the assessment commentary provided throughout the report.

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

Does the proposal fit in the locality?

The design of the proposed alterations and additions is considered an appropriate response to the site constraints including the existing building footprint. The proposal is not expected to result in increased adverse impacts on the character of the locality or amenity of adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See section 1.5 above.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the applicant has provided adequate justification for the departure sought to the WLEP 2009 development standard clause 4.4 Floor Space Ratio. The departure is considered capable of support.

Some of the issues raised in submissions though technically unresolved, are considered to be adequately addressed either through design or by way of conditions. Any remaining issues are not considered to be sufficient to refuse the application.

No adverse internal referral matters were raised, and there are no outstanding issues.

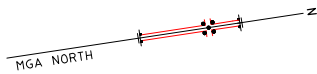
It is considered that the proposed development has been designed appropriately given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area

4 RECOMMENDATION

Development Application DA-2020/1274 be **approved**, subject to the conditions contained in Attachment 6.

5 ATTACHMENTS

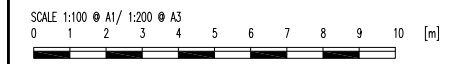
- 1 Architectural Plans, landscape, solar diagrams, view impact assessment, street character analysis
- 2 Statement of Environmental Effects
- 2A Statement of Environmental Effects - Addendum
- 3 Applicants Variation Request WLEP 2009 Clause 4.6
- 4 Heritage Report
- 5 WDCP 2009 Compliance Table
- 6 Conditions of Consent



LEGEND

BENCH MARK	
TELSTRA PIT	
POWER POLE	
GRATED INLET PIT	
KERB INLET PIT	
GAS HOT WATER	
STREET SIGN	
LAMP POST	
SEWER MAN HOLE	
GAS VALVE	
ELECTRICITY (O'HEAD)	
WATER METER	
METAL LID	
SEWER INSPECTION PIT	
CONCRETE LID	

TREES
 102.37 SPOT LEVEL
 $\frac{3}{2}$
 3 - 3m SPREAD
 0.2 - 0.2m APPROX. TRUNK DIA.



JRK SURVEYS PTY LTD COPYRIGHT STATEMENT
 THE SURVEY INFORMATION SHOWN IN THIS PLAN REMAINS THE COPYRIGHT OF JRK SURVEYS PTY LTD. THIS PLAN SHALL ONLY BE USED FOR THE PURPOSES FOR WHICH IT HAS BEEN COMMISSIONED. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF JRK SURVEYS PTY LTD IS PROHIBITED. AUTHORISED USE SHALL INDICATE THAT JRK SURVEYS PTY LTD ARE THE SOURCE OF THE SURVEY DATA.

NOTES

1. NO INVESTIGATION OF UNDERGROUND SERVICES OR BUILDING FOOTINGS HAS BEEN UNDERTAKEN IN THE PREPARATION OF THIS SURVEY.
2. ORIGIN OF LEVELS BY G.N.S.S. SURVEY
3. TREE SIZES ARE ESTIMATES ONLY.
4. DATE OF SURVEY 2ND APRIL 2020.



THIS IS THE PLAN REFERRED TO IN MY LETTER REF:

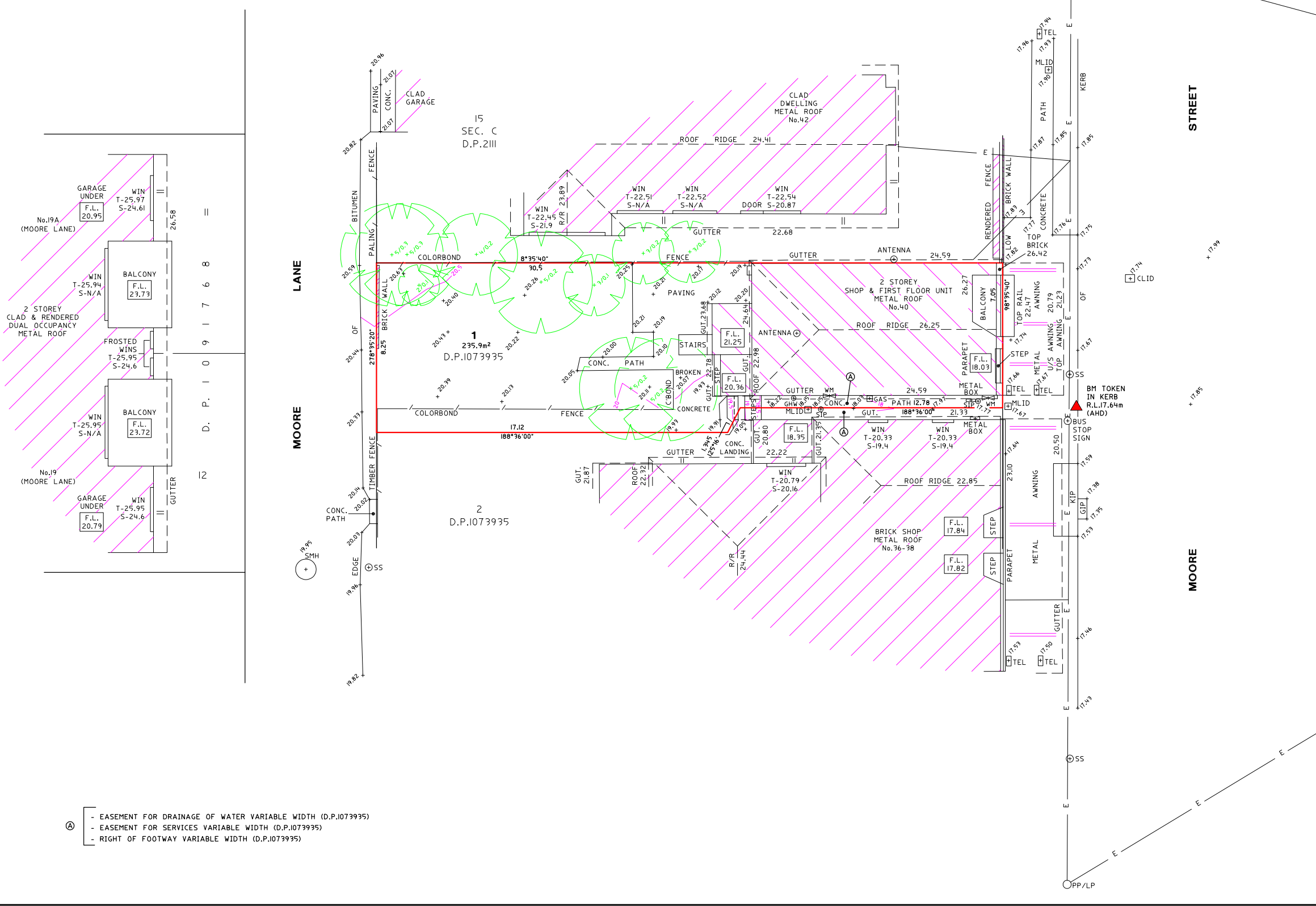
 MICHAEL STEVENS
 REGISTERED SURVEYOR
 SURVEYOR ID No. 9030

TITLE:
SITE ANALYSIS SURVEY OVER LOT 1 IN D.P.1073935 BEING No. 40 MOORE STREET AUSTINMER

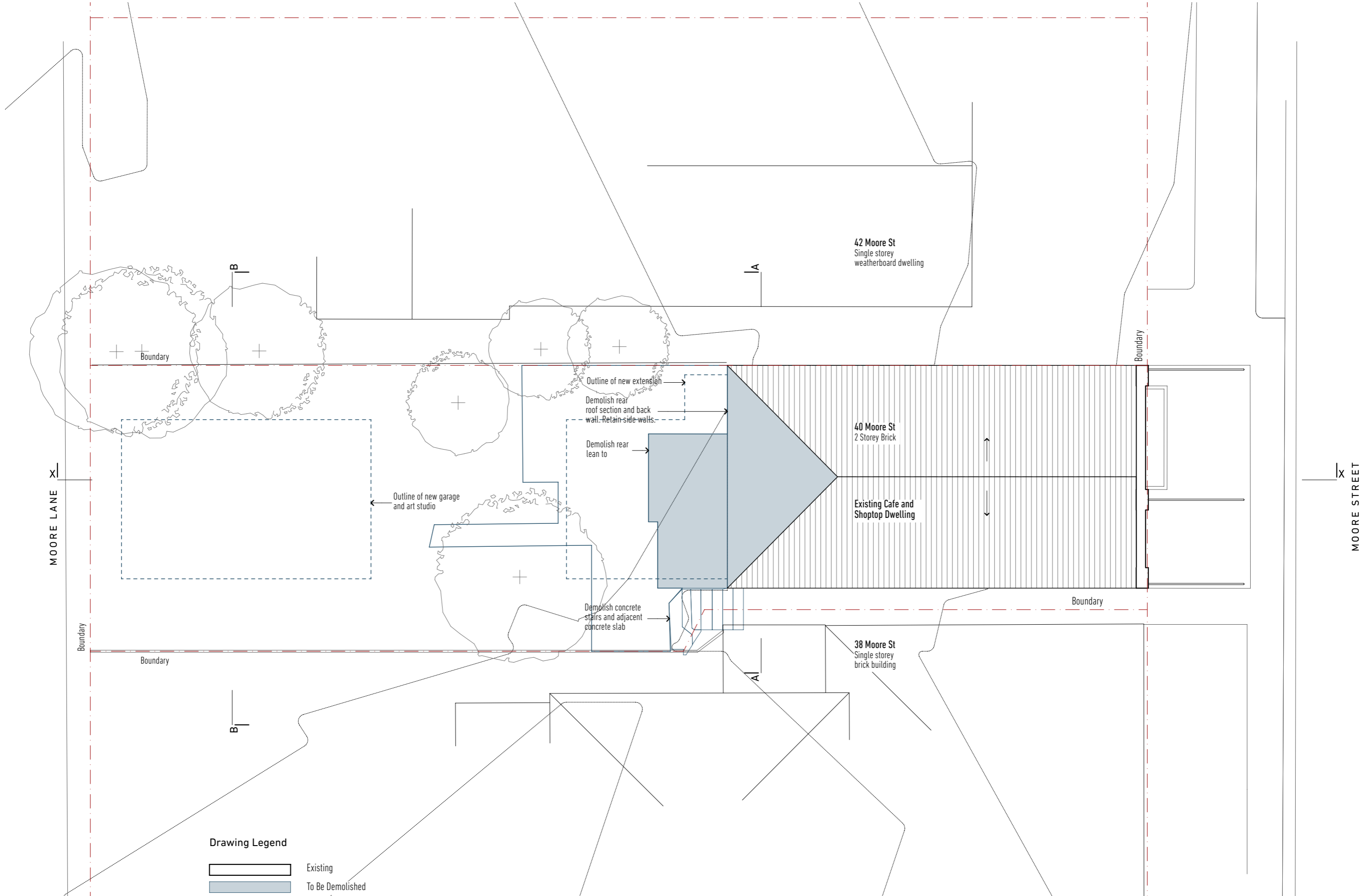
JRK SURVEYS
 SURVEYING.COM.AU
 LAND SURVEYORS info@surveying.com.au

Wollangong (HQ) [02] 4284 9922 Peshawar [02] 9572 9044
 Engadine [02] 9548 1338 Kingford [02] 9663 1832

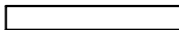

CLIENT:	MR WENDELL BOYD		
LEVEL DATUM:	A.H.D.		
NOTES:	0.5m CONTOURS		
SURVEY BY:	M.S.		
DRAWN BY:	M.S./L.S.		
DRAWING No.	SCALE	SHEET	DATE:
20-078P1	1:100@A1 1:200@A3	1 OF 1 SHEETS	2ND APRIL 2020



- (A) - EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH (D.P.1073935)
- EASEMENT FOR SERVICES VARIABLE WIDTH (D.P.1073935)
- RIGHT OF FOOTWAY VARIABLE WIDTH (D.P.1073935)



Drawing Legend

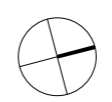
	Existing
	To Be Demolished

TAKT

Studio for Architecture
 32 Armagh Pde Thirroul NSW 2515
 P 02 4268 4324 www.takt.net.au
 Nominated Architect 7288

Notes
 All demolition to be undertaken in accordance with AS 2601—2001, The demolition of structures. Appropriate run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development to be implemented.

General Demolition Notes
 Refer to proposed plans and ensure demolition of any structure is in accordance with these plans. Ensure all dimensions checked on site prior to demolition of any building elements.

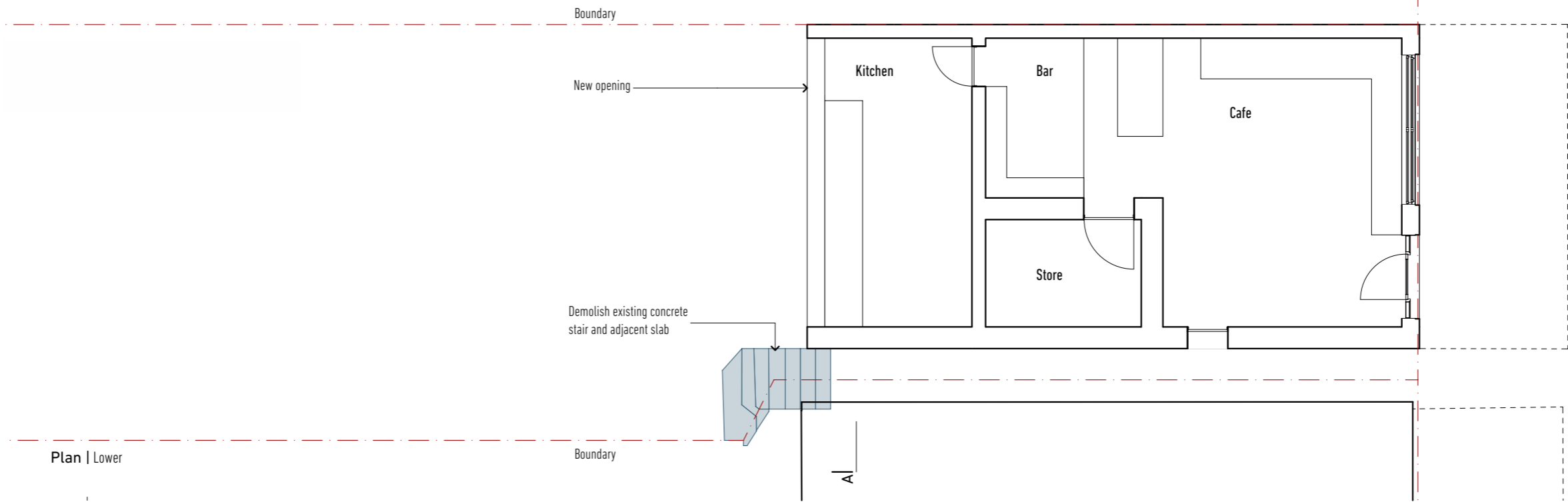


Dianella
 for Helen & Wendell Boyd
 at 40 Moore St
 Austinmer NSW 2515

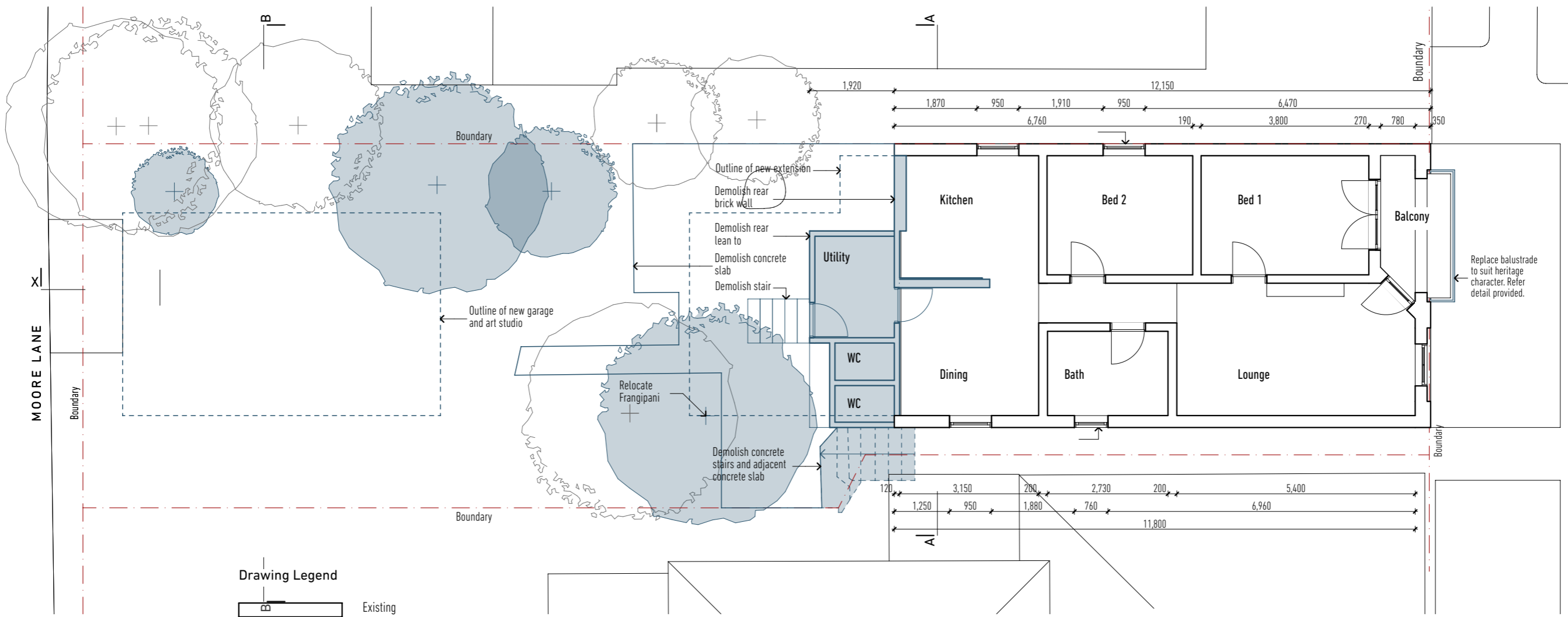
20 03 2021
 Additional Information
 1:100

Demolition Plan - Roof

05



MOORE STREET



MOORE STREET

Plan | Upper Level

Drawing Legend

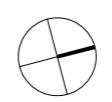
	Existing
	To Be Demolished

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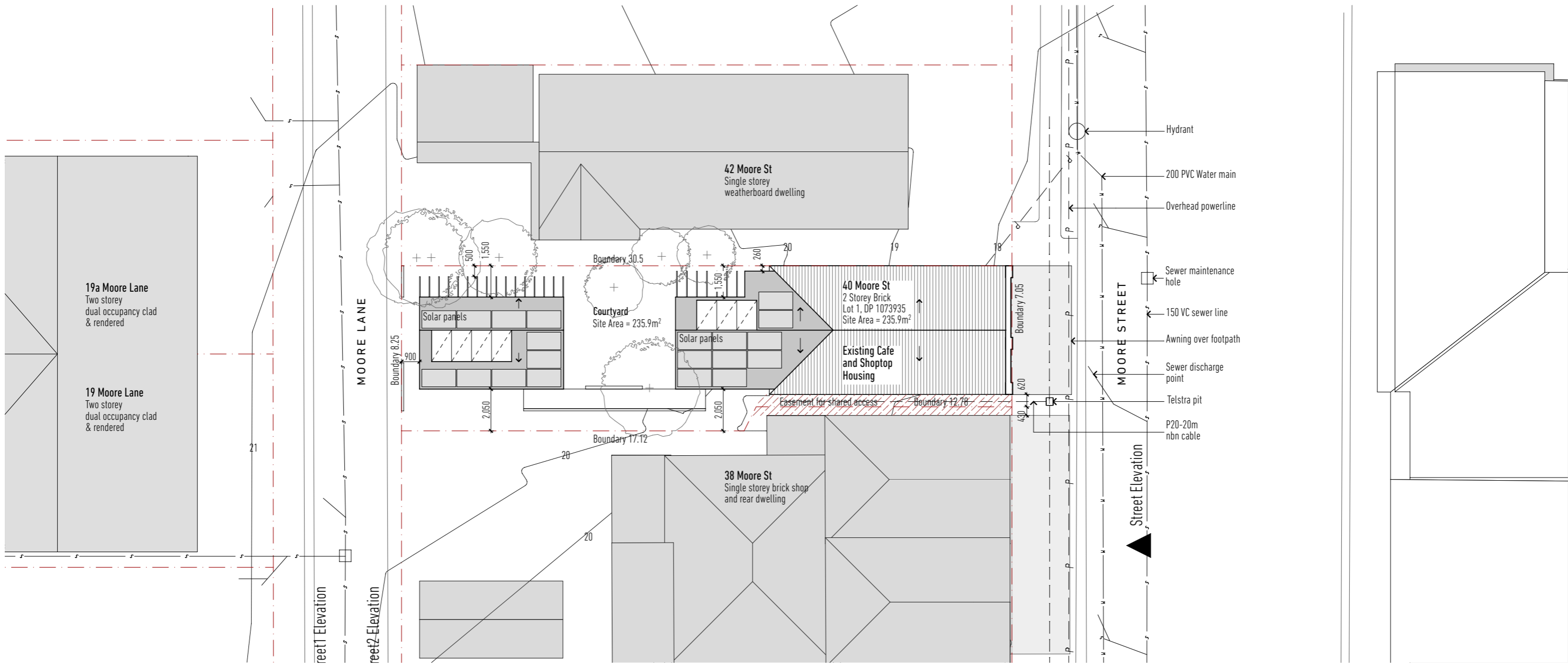
General Demolition Notes
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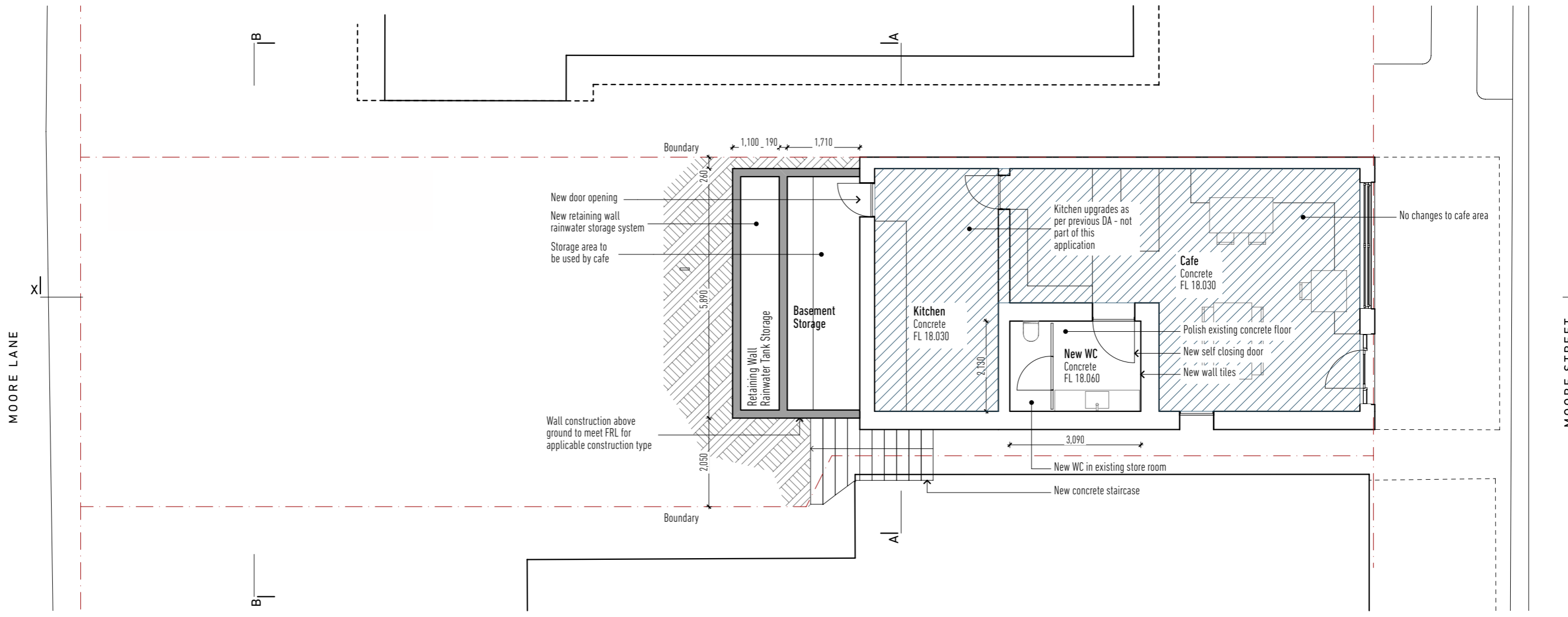


Dianella
 for Helen & Wendell Boyd
 at 40 Moore St
 Austinmer NSW 2515

20 03 2021
 Additional Information
 1:100

Demolition Plan
 06

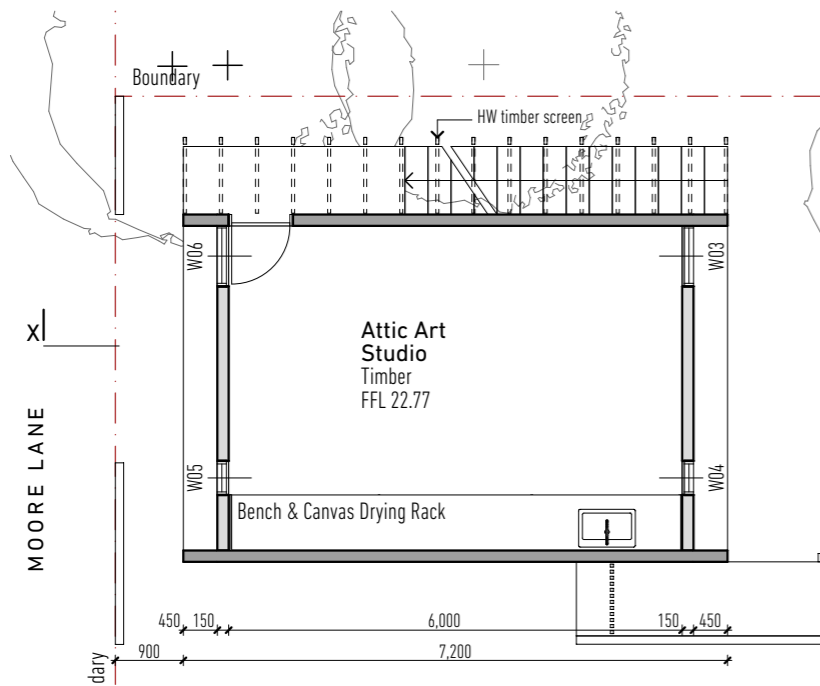




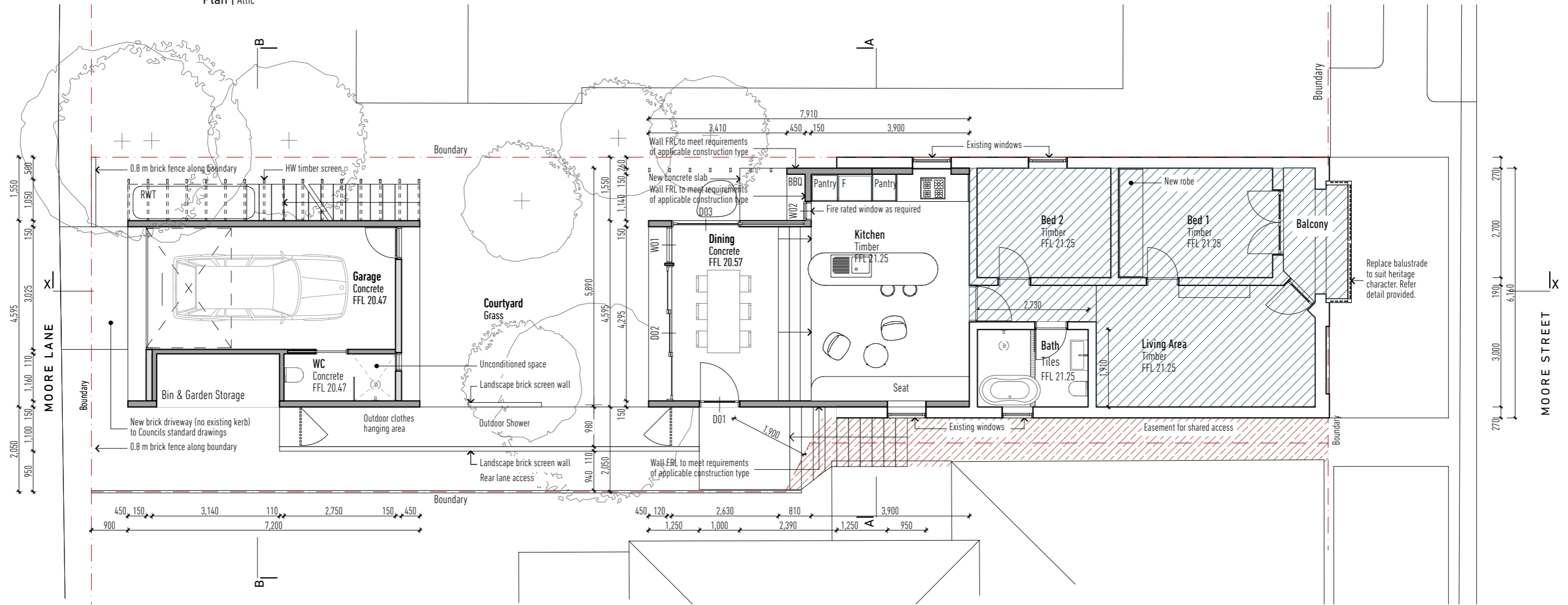
Drawing Legend

- New walls
- Existing walls





Plan | Attic



Plan | Upper Level

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Nominated Architect 7288

Drawing Legend

- New walls
- Existing walls

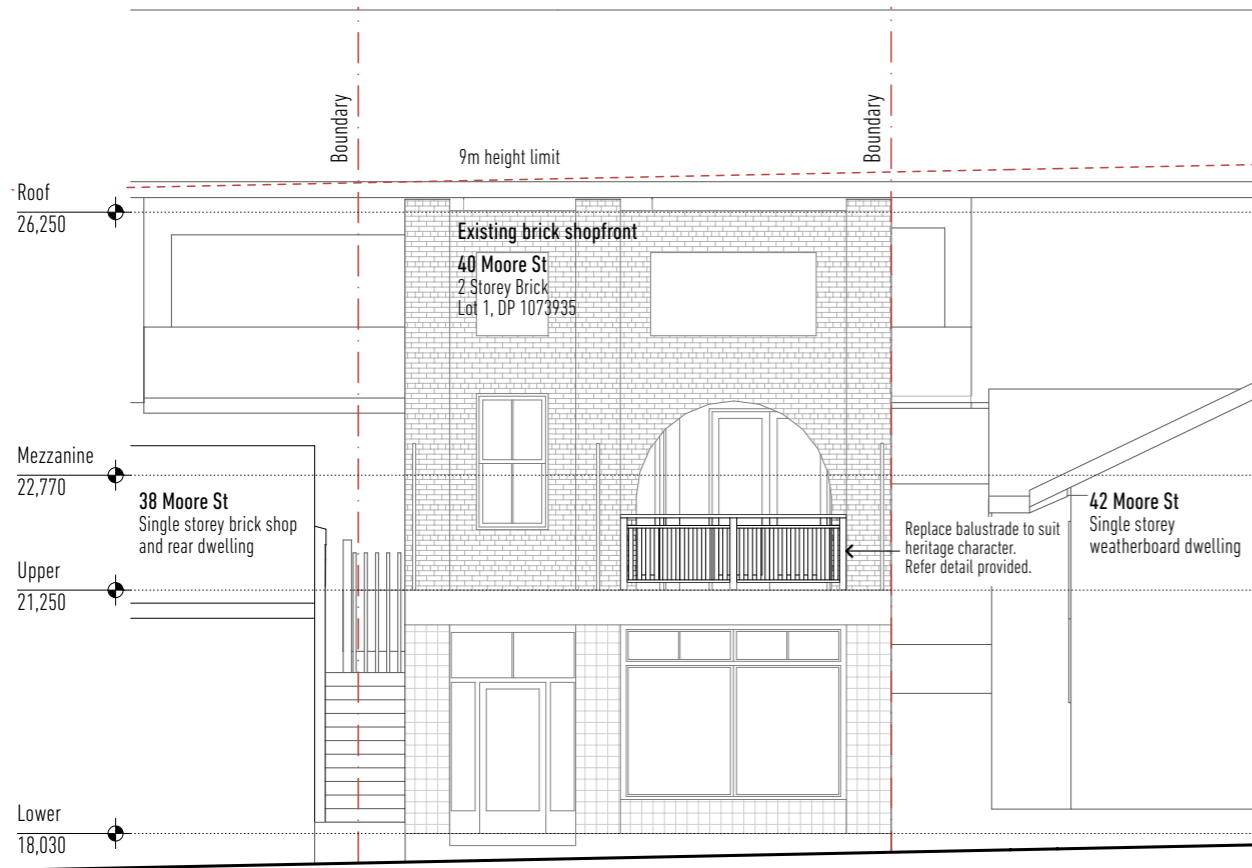


Dianella
for Helen & Wendell Boyd
at 40 Moore St
Austinmer NSW 2515

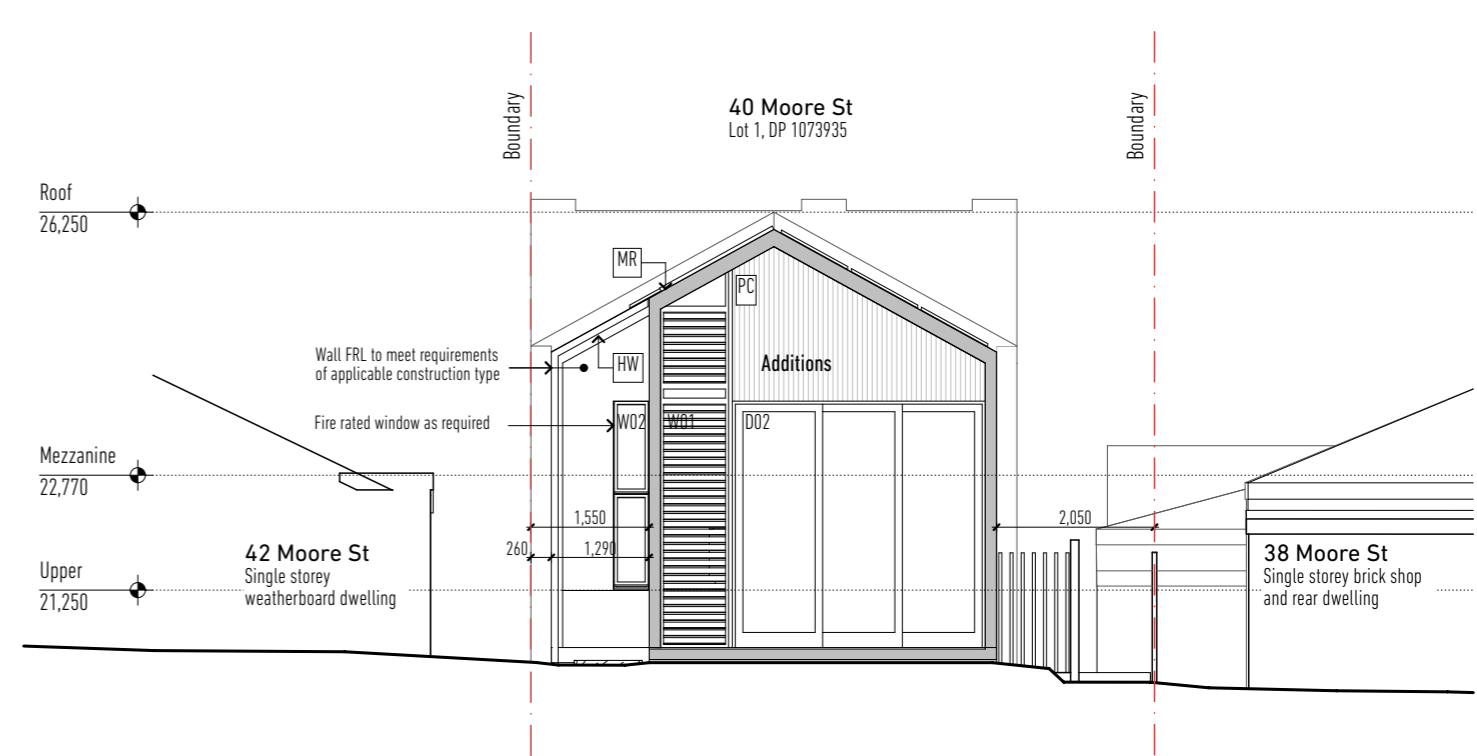
20 03 2021
Additional Information
1:100

Upper Level +
Mezzanine

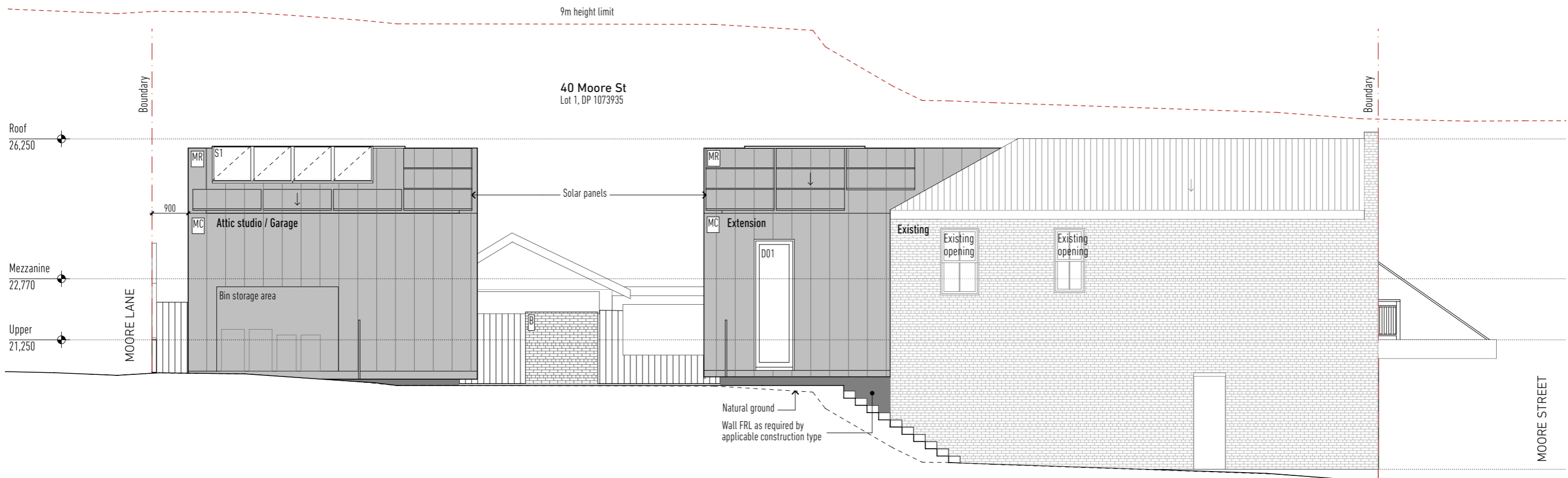
09



Elevation | North



Elevation | Courtyard South



Elevation | East

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 Nominated Architect 7288

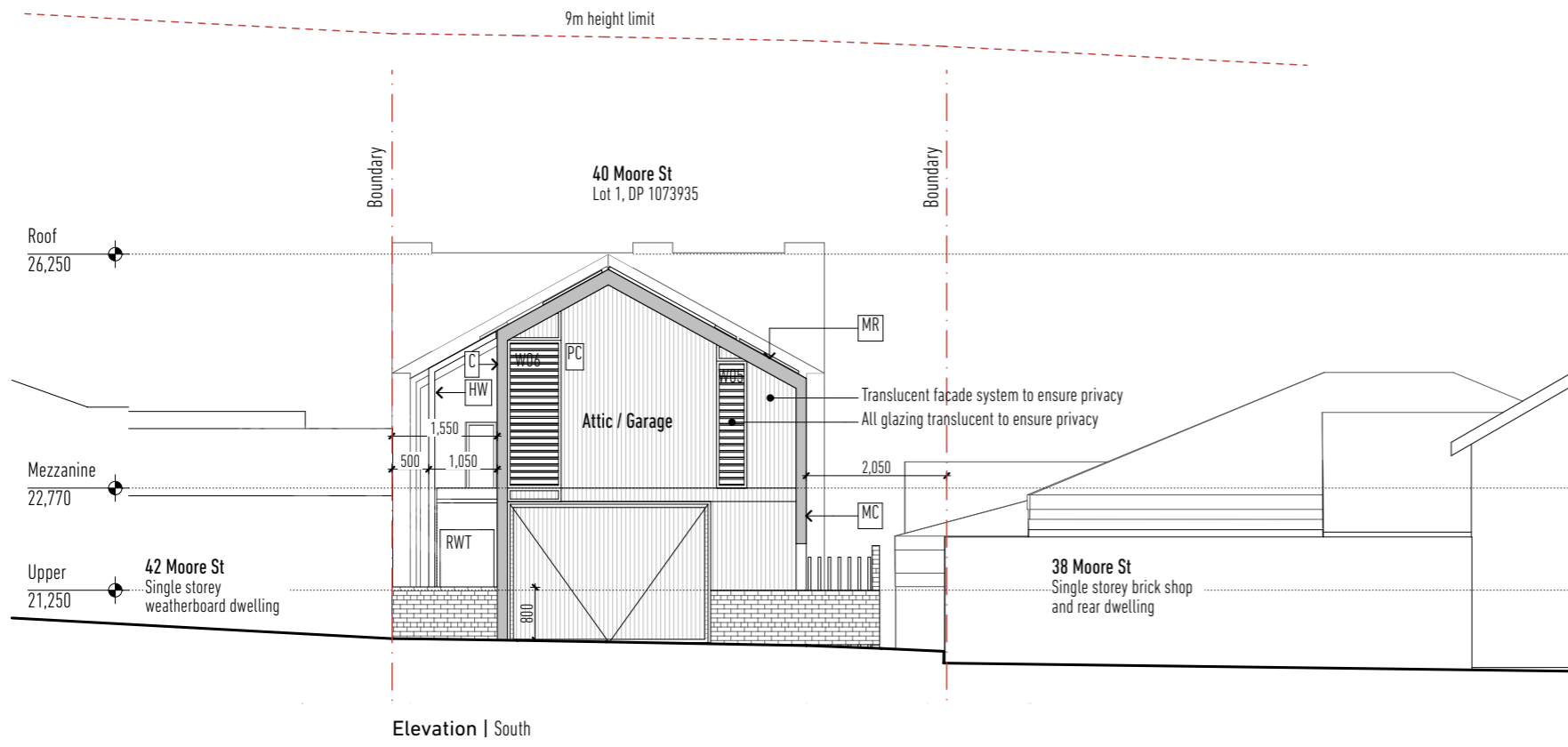
Legend
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 MC Metal cladding, Monument Matt or similar
 PC Polycarbonate Cladding, Danpalon or similar

HW Hardwood, Blackbutt or similar
 B Brick, recycled
 C Copper cladding

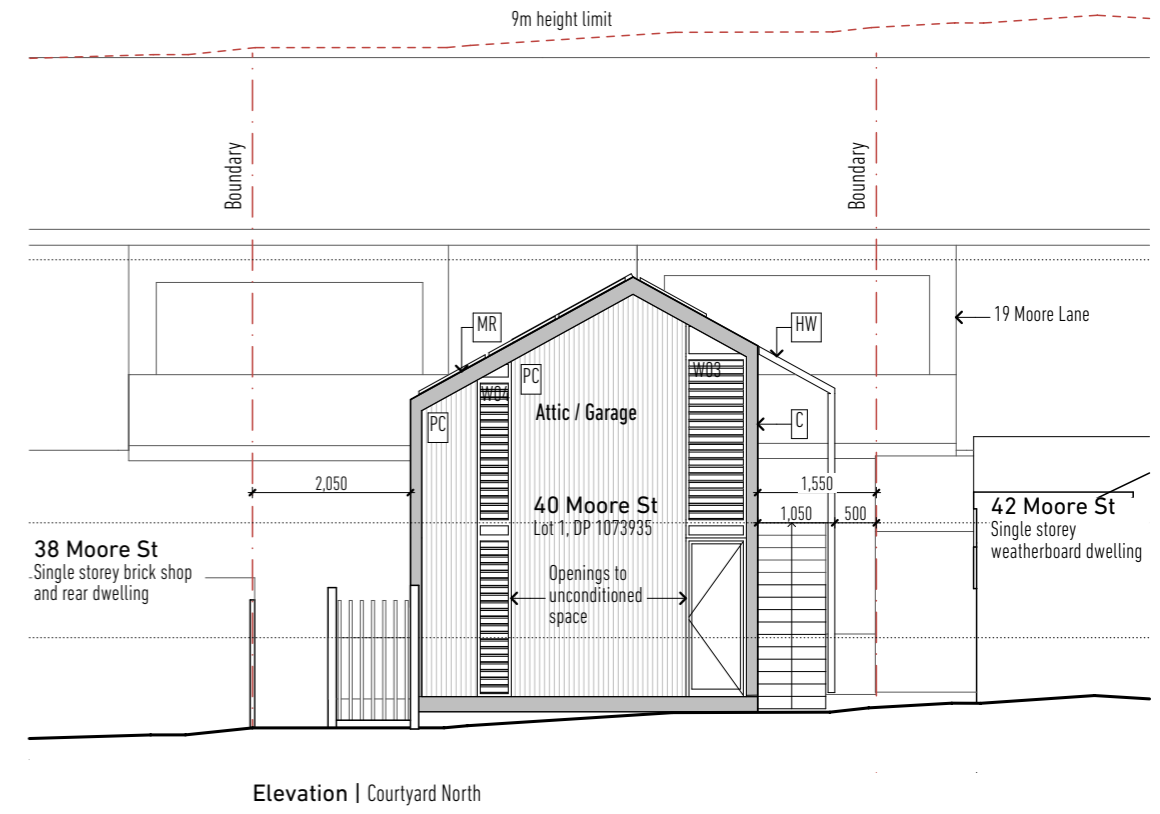
Dianella
 for Helen & Wendell Boyd
 at 40 Moore St
 Austinmer NSW 2515

20 03 2021
 Additional Information
 1:100

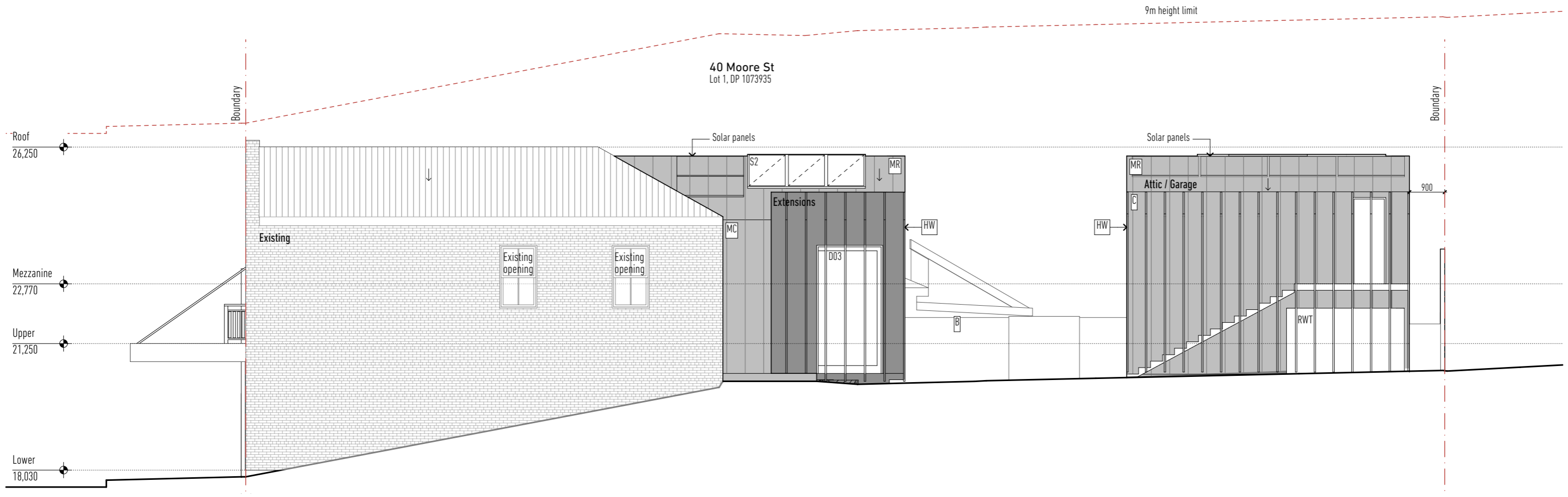
Elevations I
 10



Elevation | South



Elevation | Courtyard North



Elevation | West

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 P 02 4268 4324 www.takt.net.au
 Nominated Architect 7288

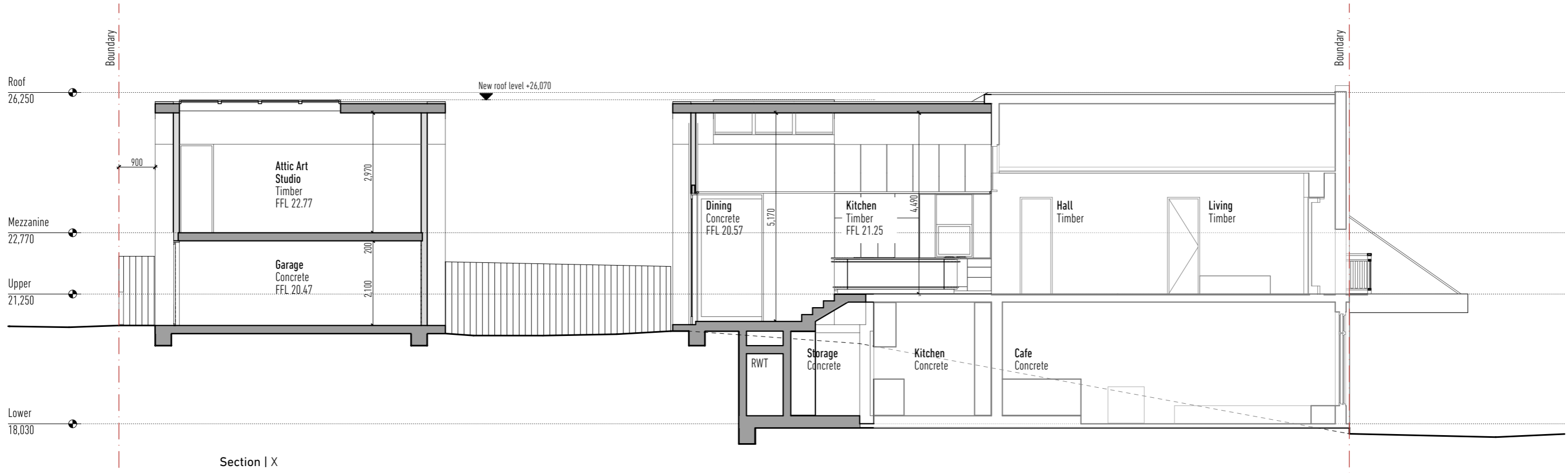
Legend
 MR Metal roofing, Monument Matt or similar
 MC Metal cladding, Monument Matt or similar
 PC Polycarbonate Cladding, Danpalon or similar

HW Hardwood, Blackbutt or similar
 B Brick, recycled
 C Copper cladding

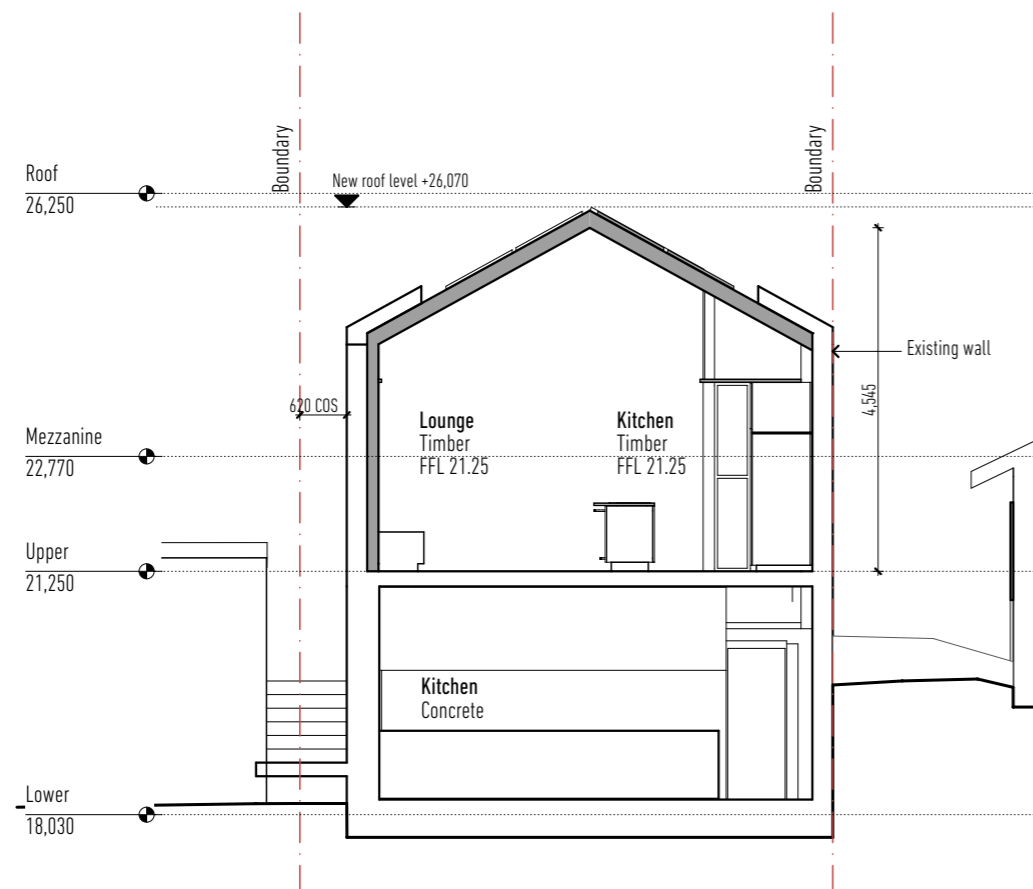
Dianella
 for Helen & Wendell Boyd
 at 40 Moore St
 Austinmer NSW 2515

20 03 2021
 Additional Information
 1:100

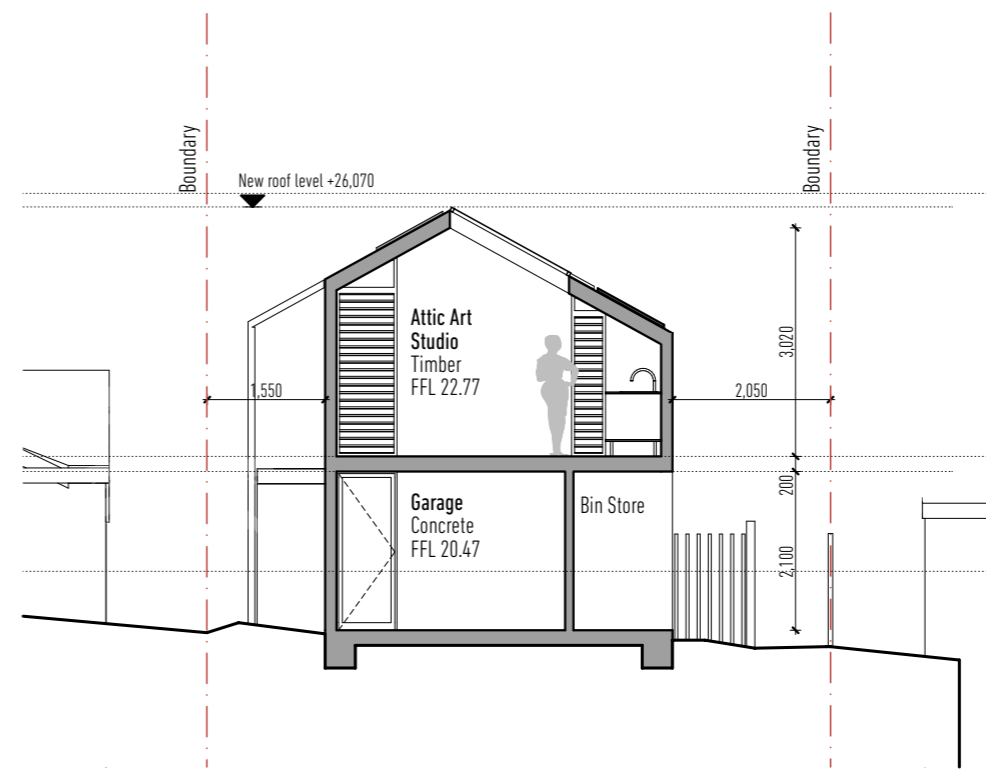
Elevations II



Section | X



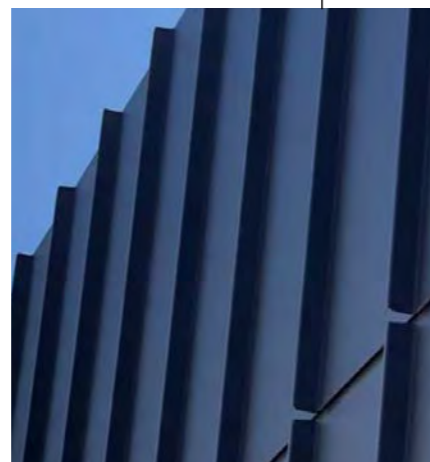
Section | A



Section | B



Hardwood | Blackbutt or similar



Metal Cladding | Colorbond standing seam
- Matt Monument or similar



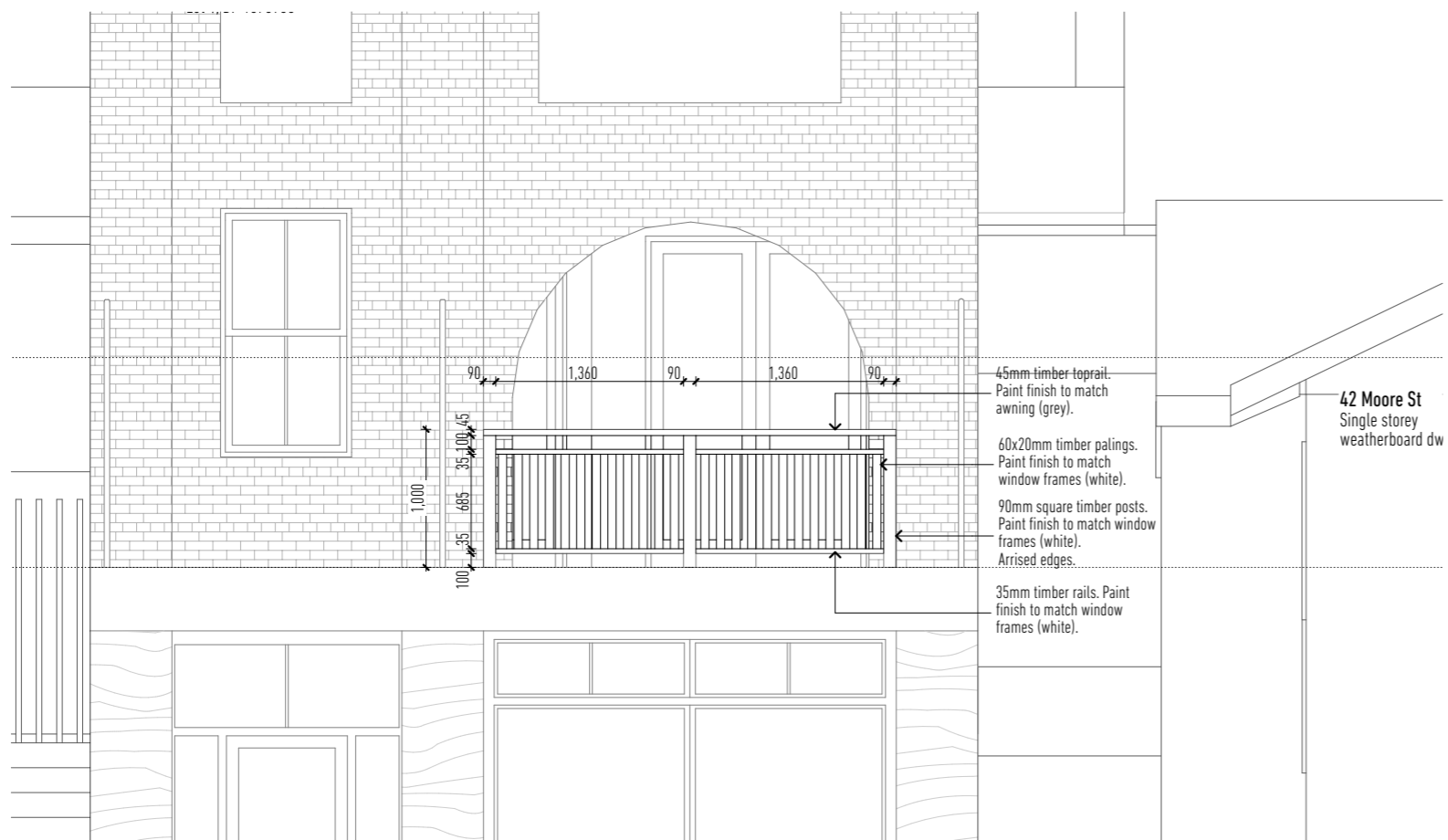
Polycarbonate Sheeting | Danpalon
transparent sheets



Brick | Recycled brick landscaping walls



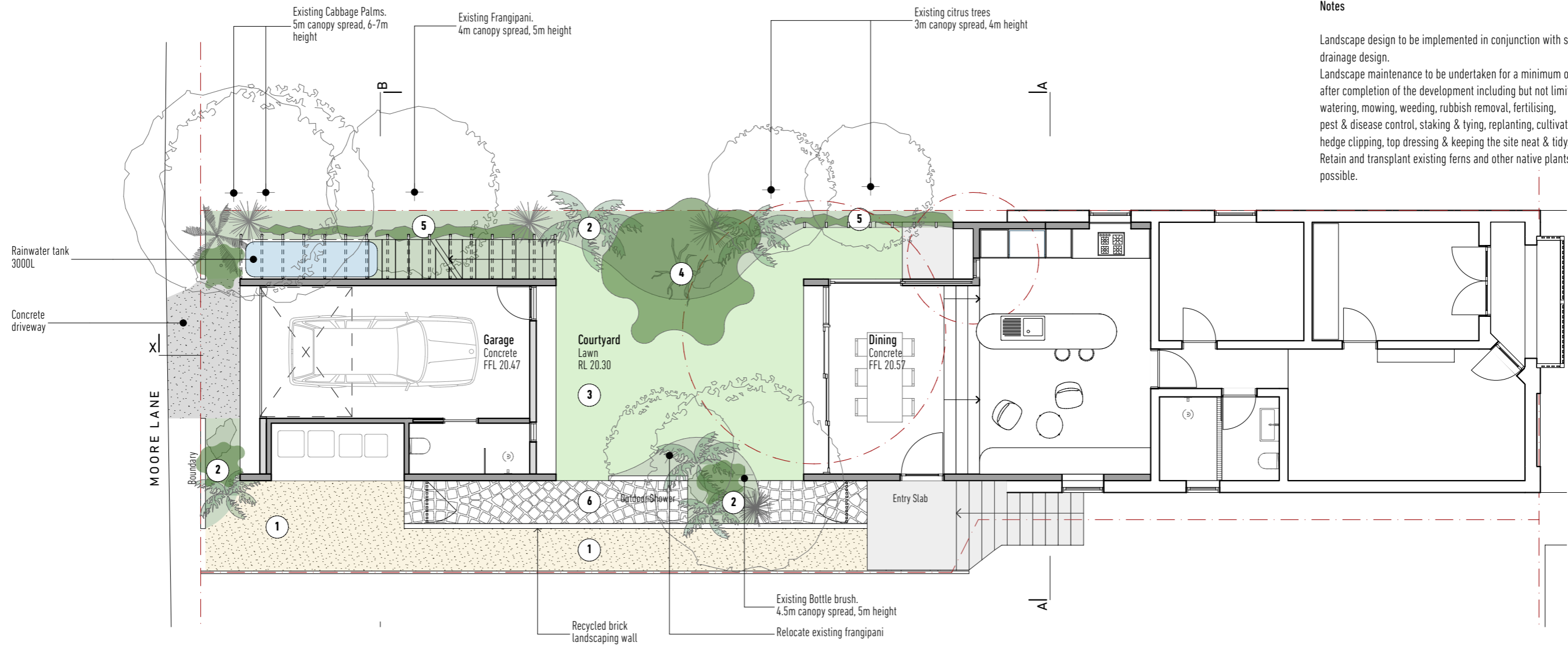
Copper | Weathered, natural patina



Elevation | Balcony Balustrade



Visualisation | Balcony



Notes

Landscape design to be implemented in conjunction with stormwater drainage design.

Landscape maintenance to be undertaken for a minimum of 6 months after completion of the development including but not limited to watering, mowing, weeding, rubbish removal, fertilising, pest & disease control, staking & tying, replanting, cultivating, pruning, hedge clipping, top dressing & keeping the site neat & tidy.

Retain and transplant existing ferns and other native plants where possible.

1. Entry Pathways
Compacted crushed gravel service pathways

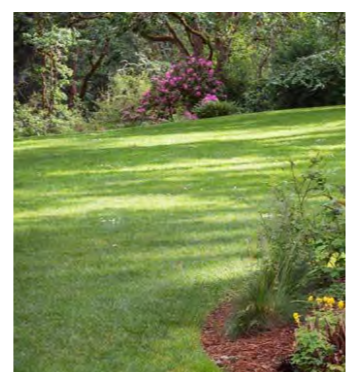
2. Deep Planting
Understorey of ferns, vines and ground covers. Damp gardens to match the surrounding Illawarra rainforest in Austinmer.

3. Lawn
Naturally undulating lawn connecting garage and main dwelling as open space to capture sunlight. Steel garden edging to form border to garden spaces.

4. Feature Tree
Decorative flowering courtyard tree to provide shade and attract native wildlife. Prune to suit scale of courtyard.

5. Screening
Native climbers and vines to provide shade and privacy on the western facade. Utilise hardwood structure to support vines. Dappled light and colour to the garden landscape.

6. Paved walkway
Permeable paved walkway
Entry into courtyard & outdoor shower.



Plant Species;

- Gristle Fern - *Blechnum Cartilagineum* - sheltered, shady location
- Scrambling Lily - *Geitonoplesium Cymosum* - sheltered location, can climb
- Native Violet - *Viola Hederacea* - cool, shady position in moist soil
- Cabbage Palm - *Livistonia Australis* - part shade to sun, moist soil, salt tolerant
- Native Flax Lily - *Dianella Caerulea* - low maintenance, tolerates many locations

Plant Species;

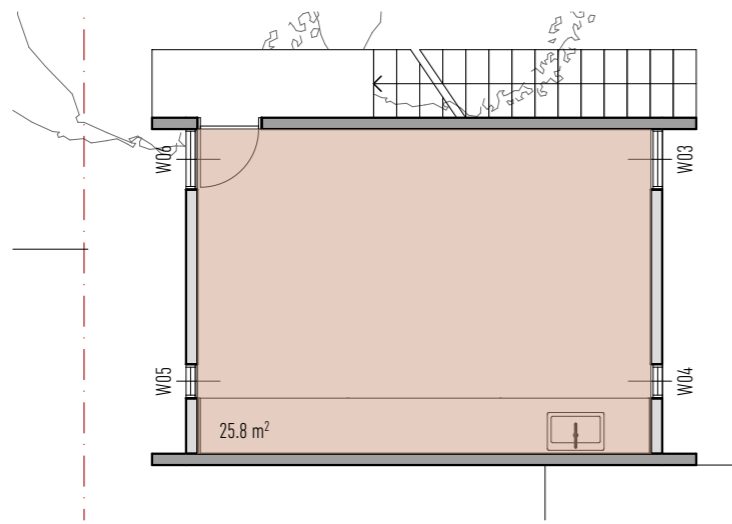
- Soft Leaf Buffalo + South Coast Mix salt tolerant and hardy

Plant Species;

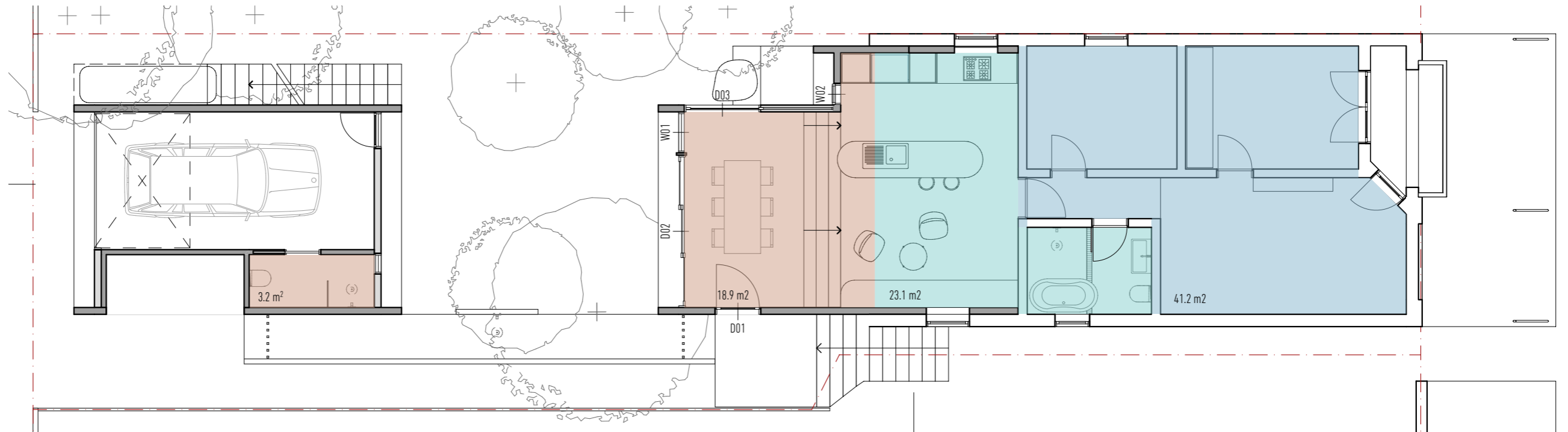
- *Buckinghamia Celsissima* 'Ivory Curl'
- Low maintenance - Position sunny to part shade in well drained soil

Plant Species;

- Wonga Vine - *Pandorea Pandporana* - drought tolerant
- Old Mans Beard - *Clematis Aristata* - part shade, coastal



Plan | Area Mezzanine



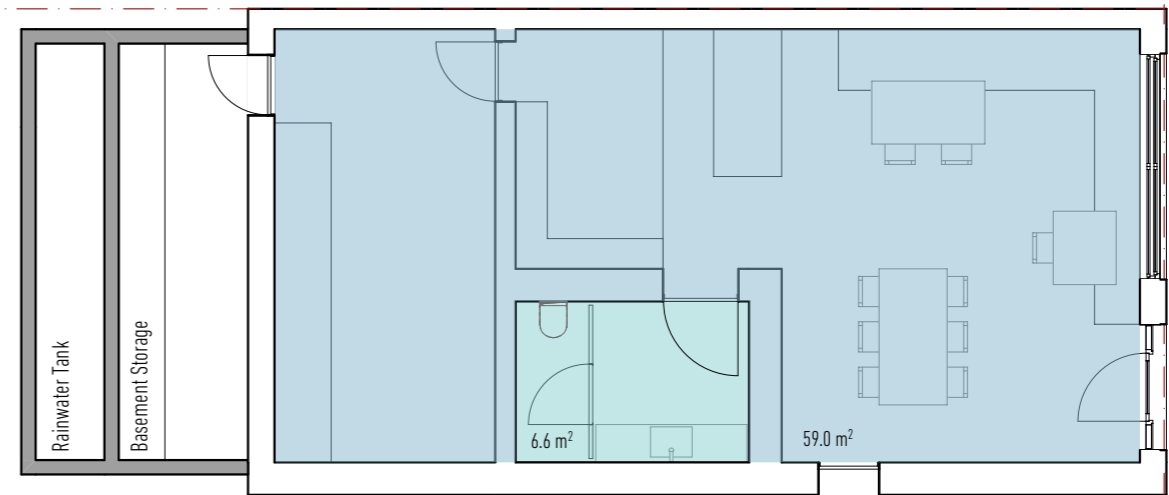
Plan | Area Upper level

FSR Calculations

Total Site Area: 235.9m²
 Total Existing Floor Area: 129.9 m²
 (Total Renovation: 29.7 m²)
 Total New Floor Area: 47.9 m²
 Total Floor Area: 177.8 m²
 Total FSR: 0.75:1

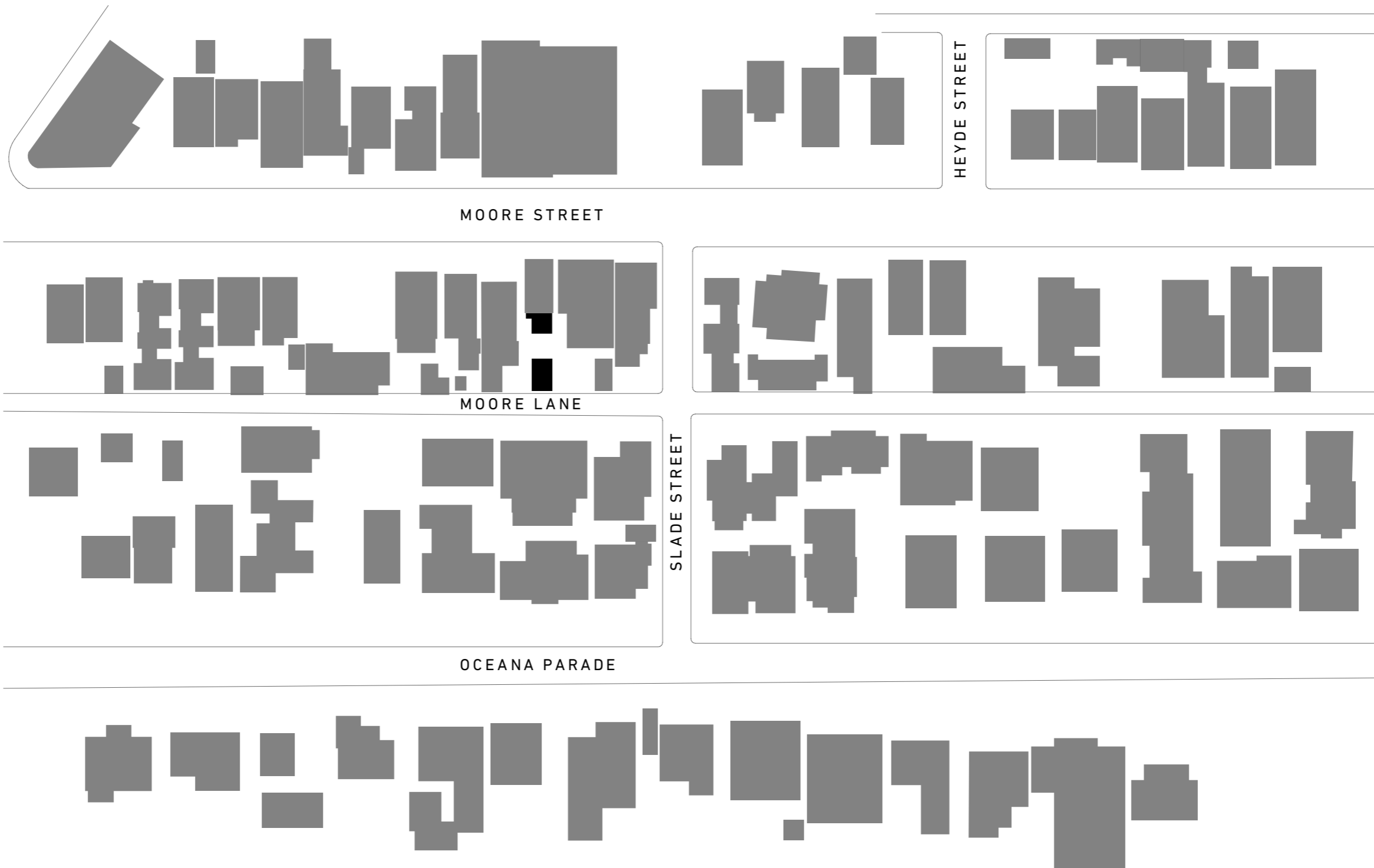
Other:
 Garage Area: 18 m²
 Basement Storage: 10 m²

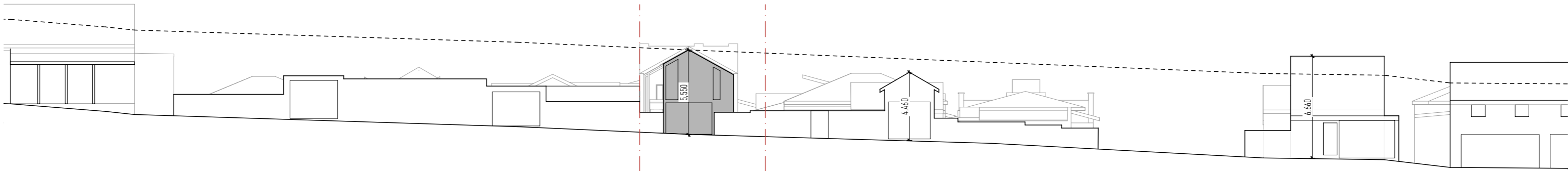
- Area Existing
- Area Renovation
- Area New



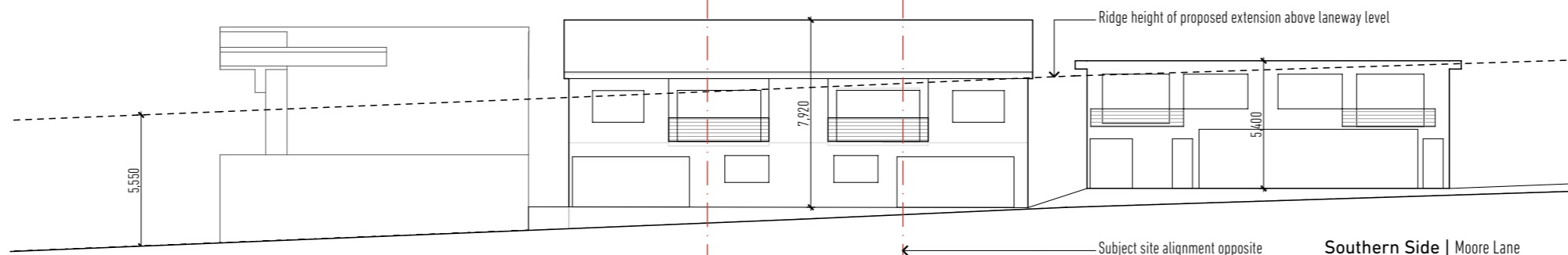
Plan | Area Lower level







Northern Side | Moore Lane



Southern Side | Moore Lane





3 Moore Lane



14 Moore Street



24 Moore Street



13 Moore Lane



15 Moore Lane



32 Moore Street



19 Moore Lane



21 Moore Lane



44 Moore Street



52 Moore Street + 19-22 Moore Lane



54 Moore Street



31 Oceana Parade



62 Moore Street



Perspective | Moore St



Perspective | Moore St



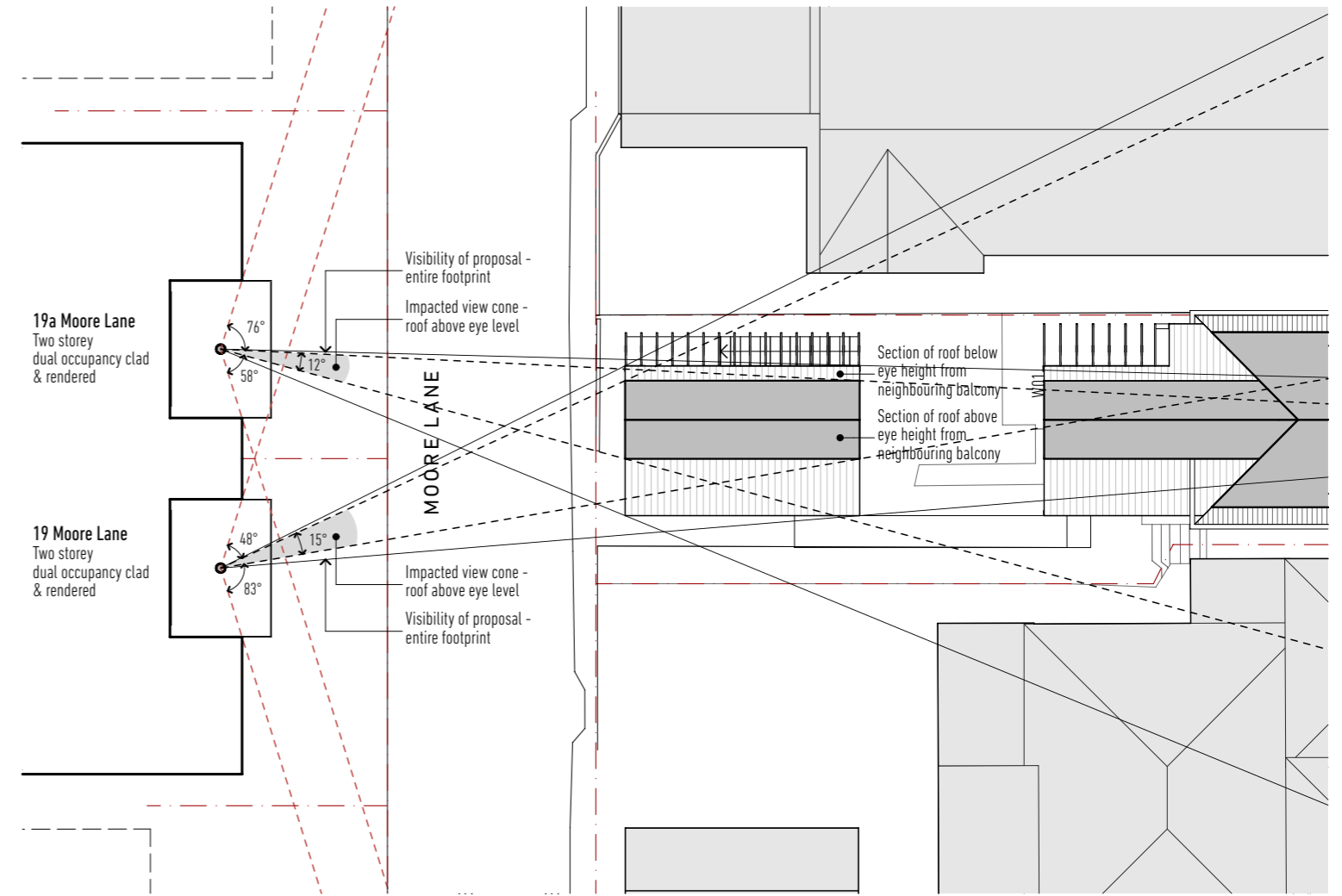
Perspective | Moore Lane



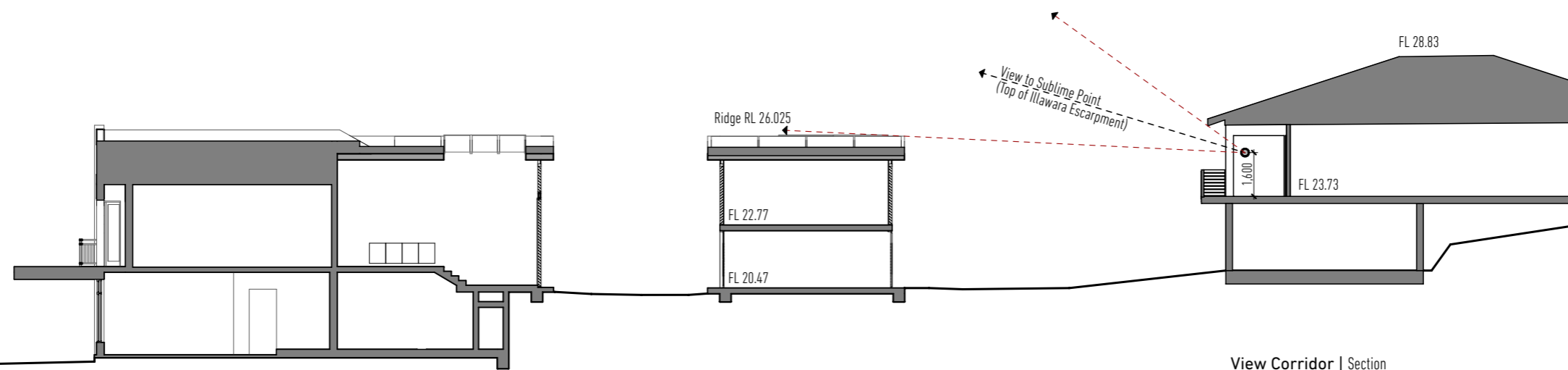
Perspective | Moore Lane



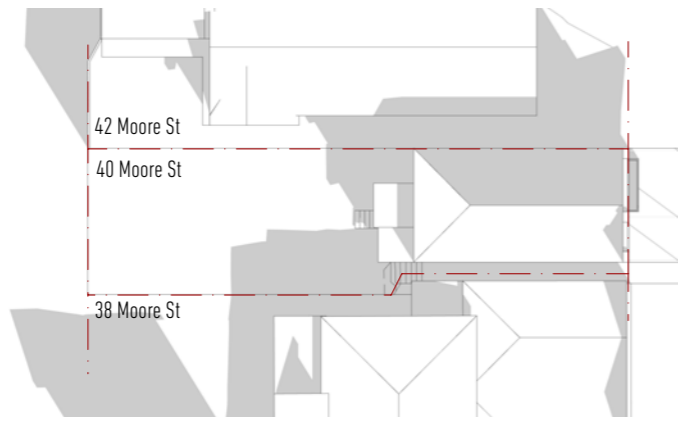
View Overlay | 19a Moore Lane



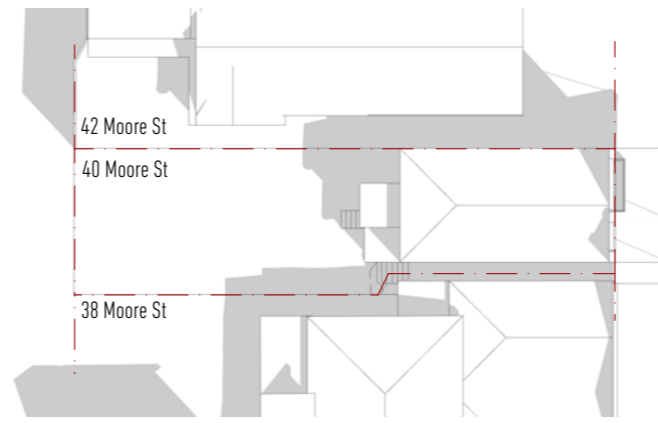
View Corridors | Plan



View Corridor | Section



8am



9am



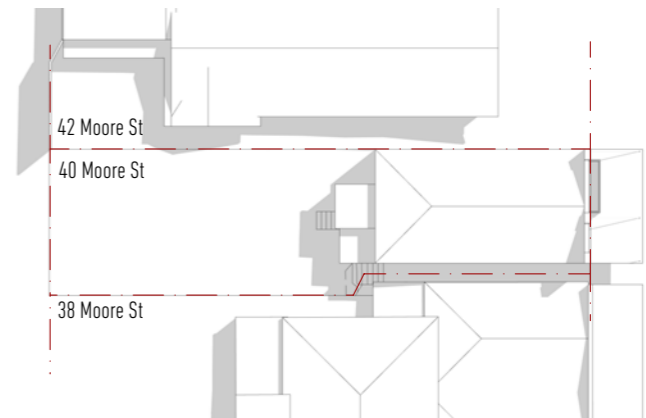
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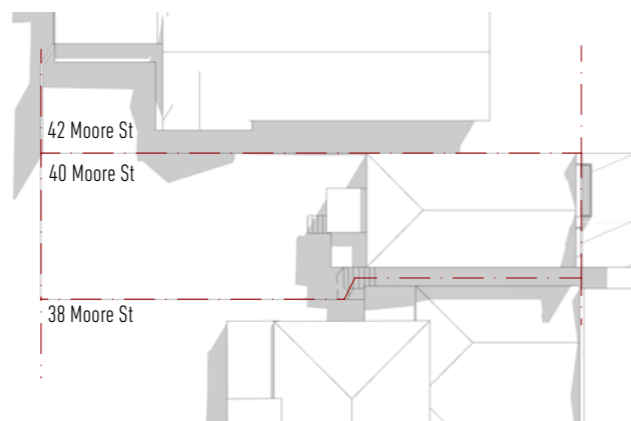
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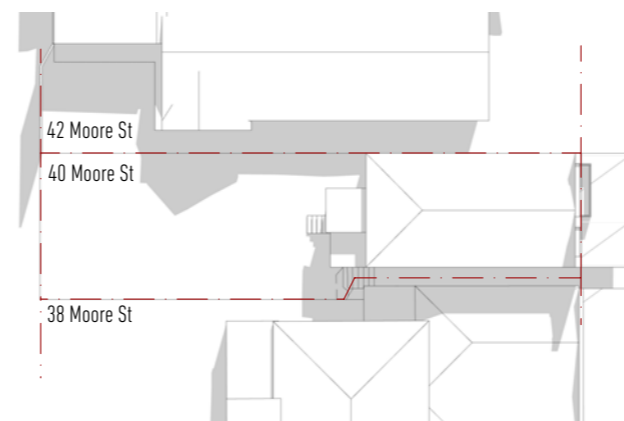
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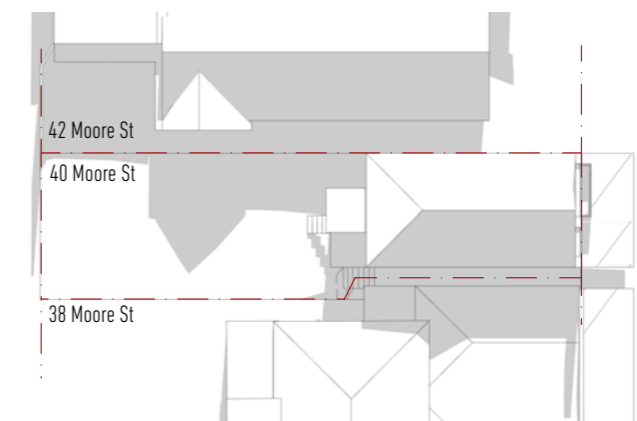
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2pm

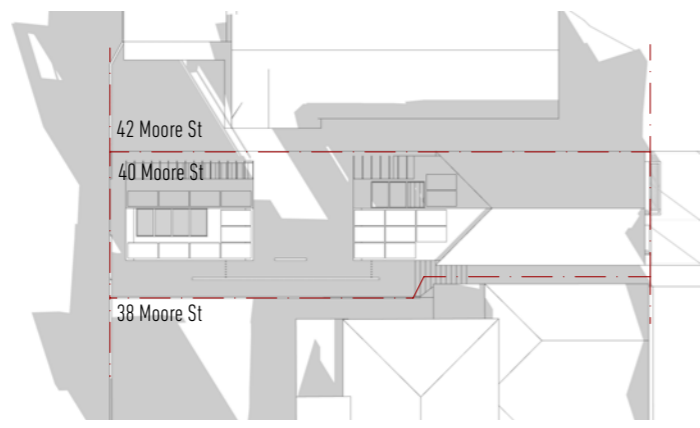


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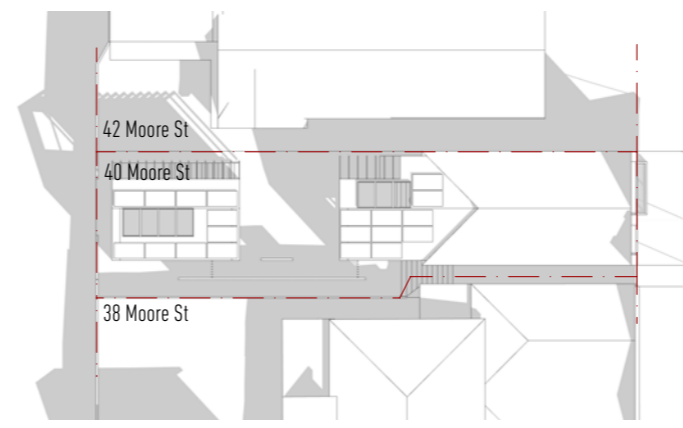


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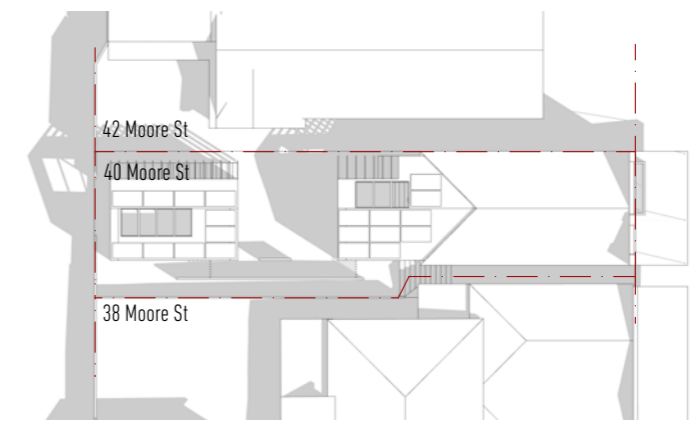




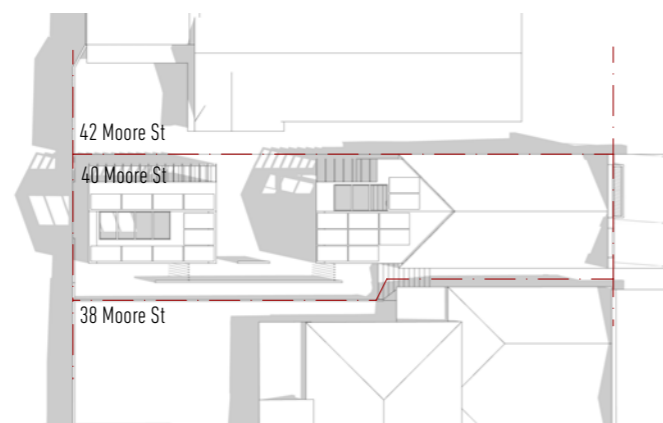
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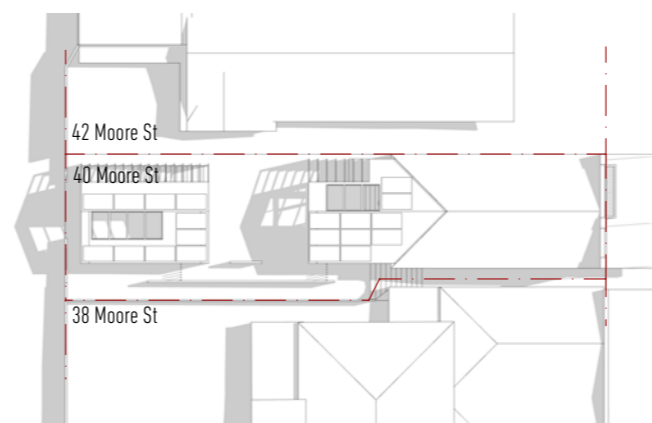
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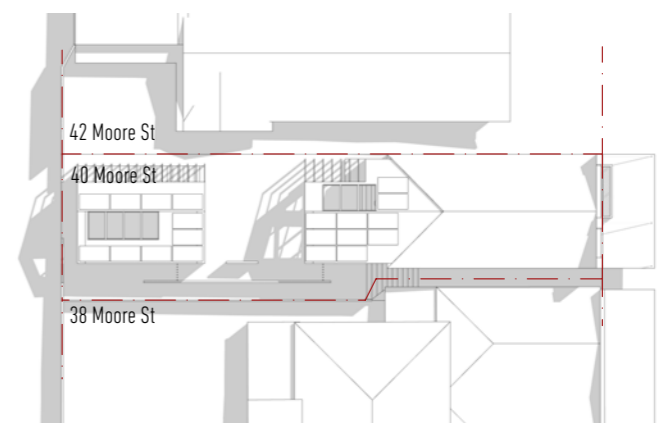
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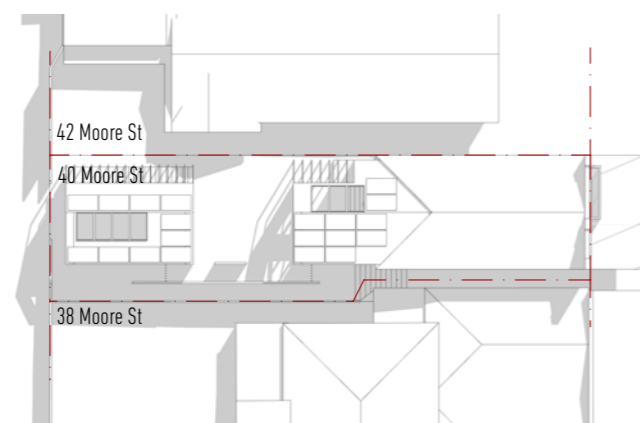
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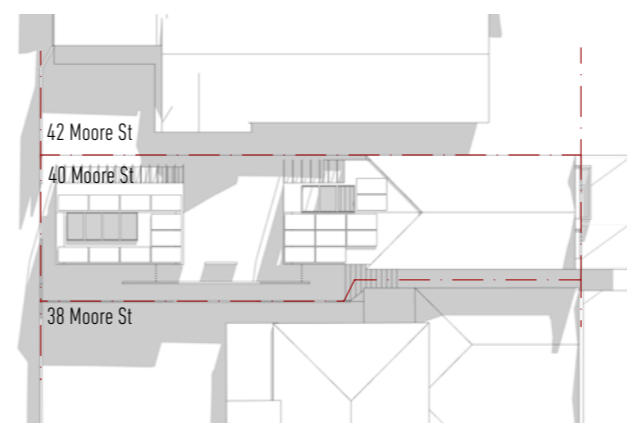
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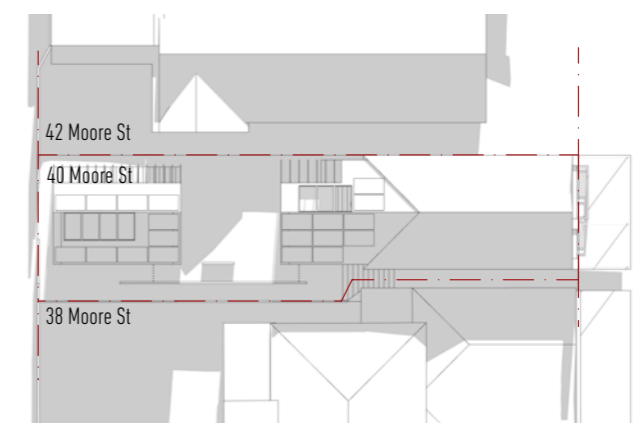
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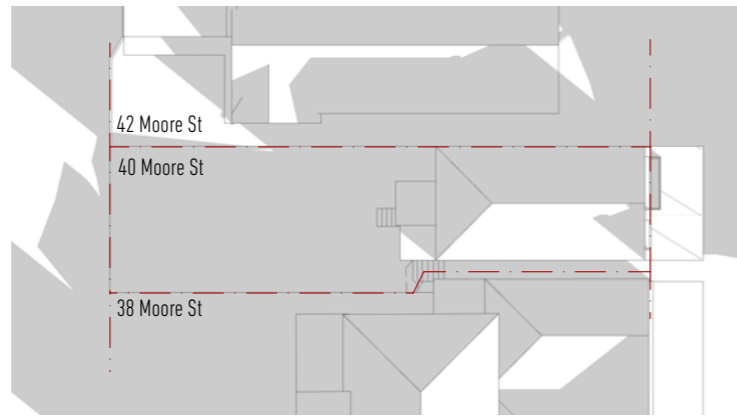
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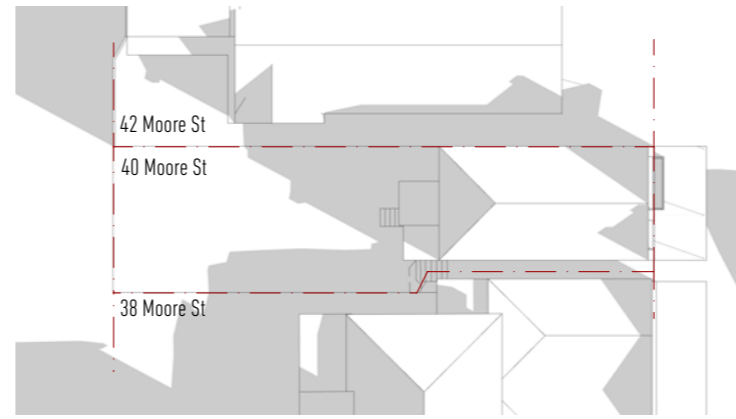
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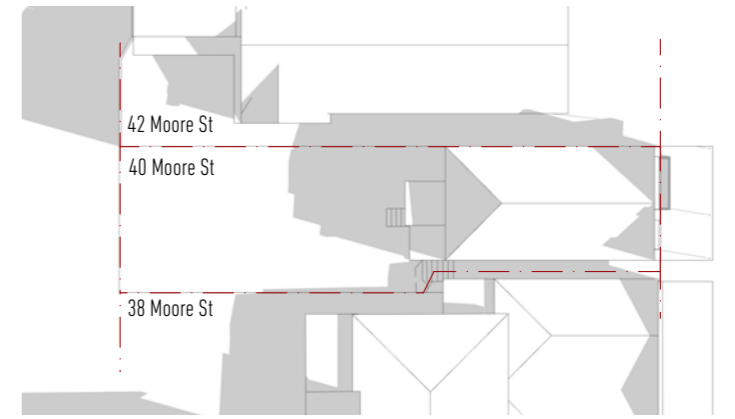
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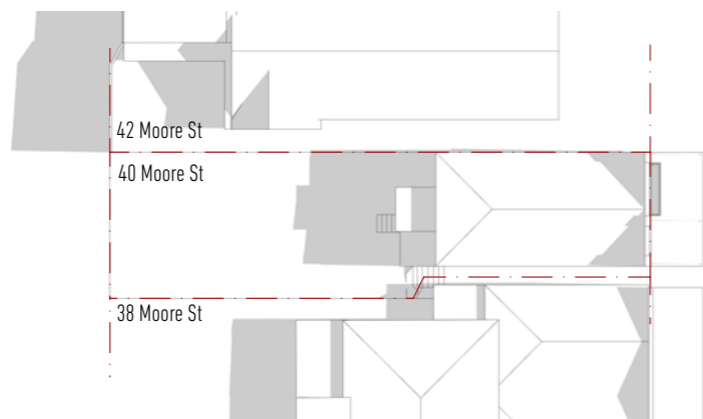
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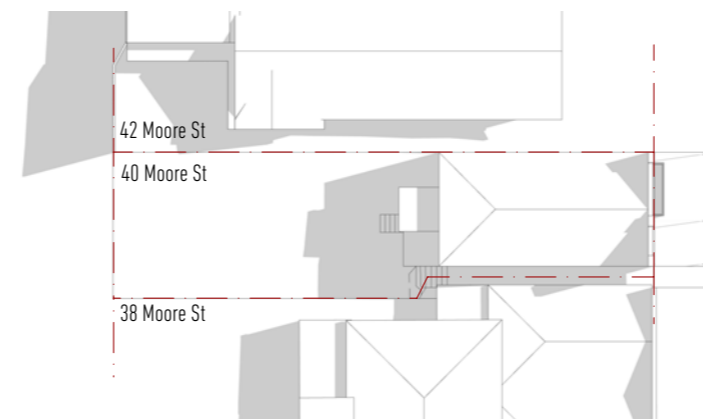
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10am



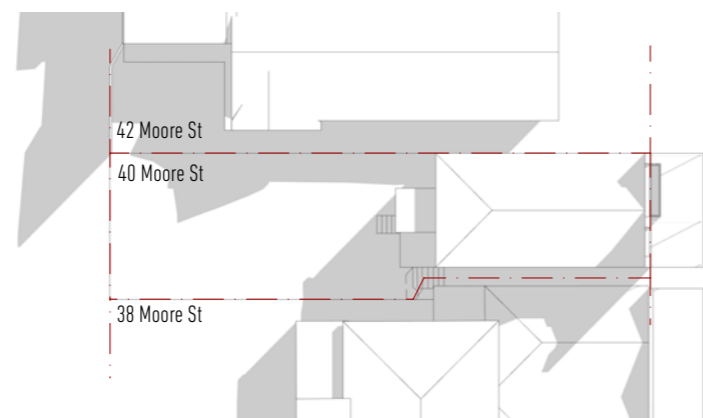
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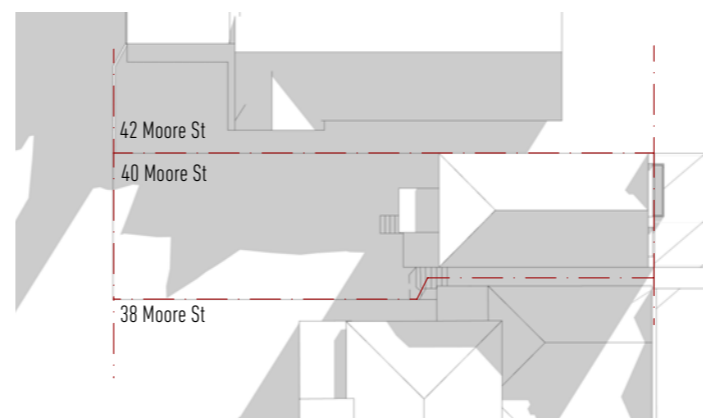
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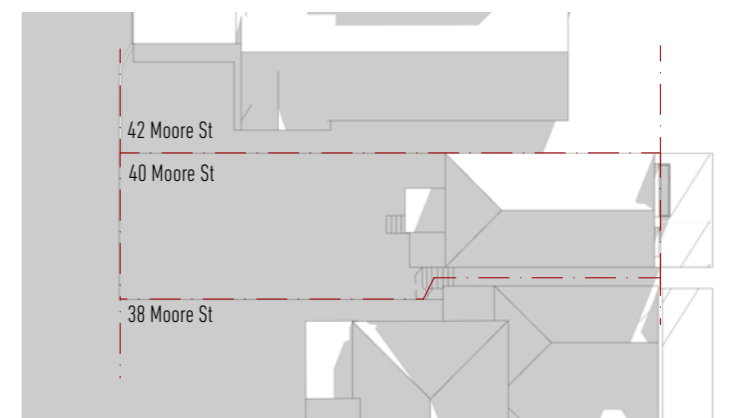
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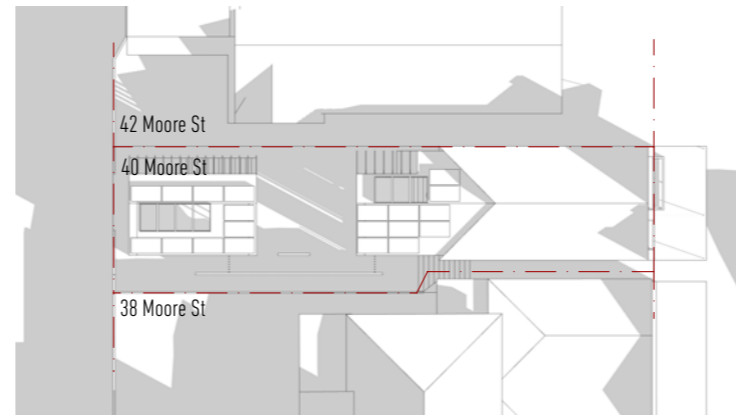
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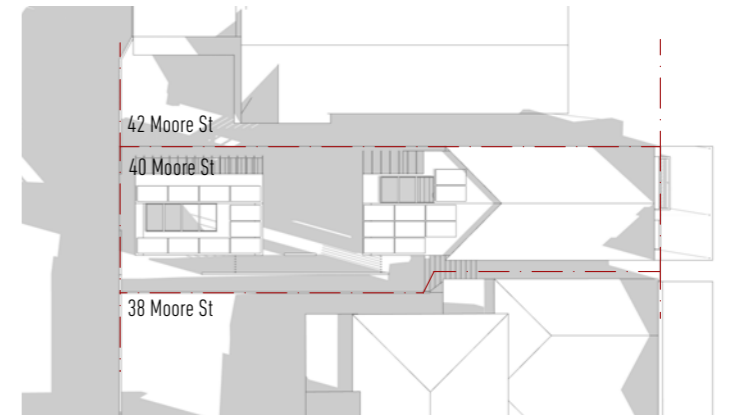
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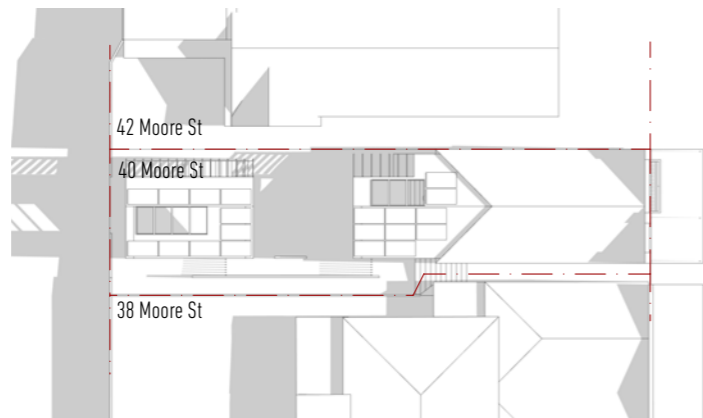
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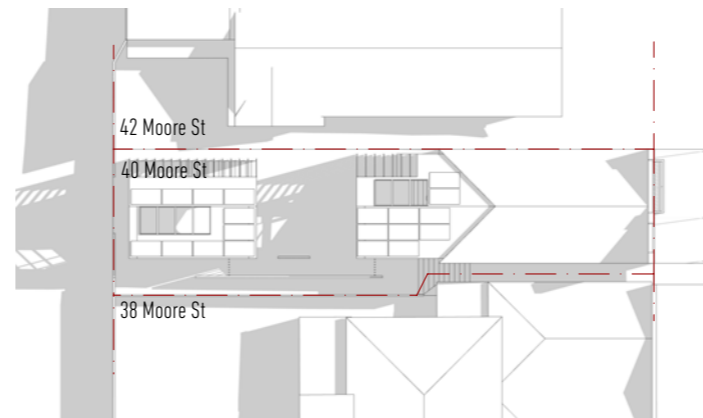
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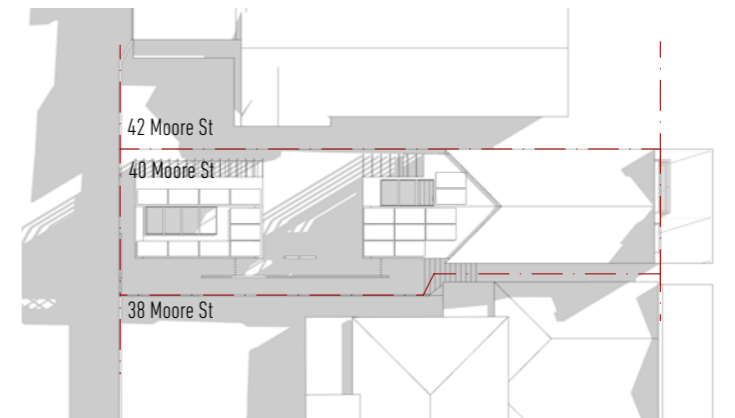
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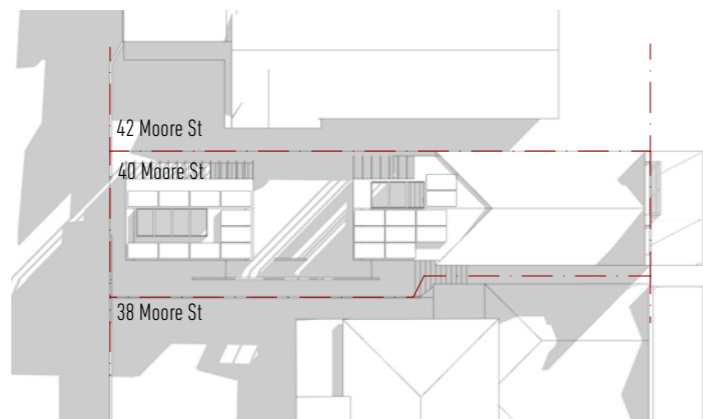
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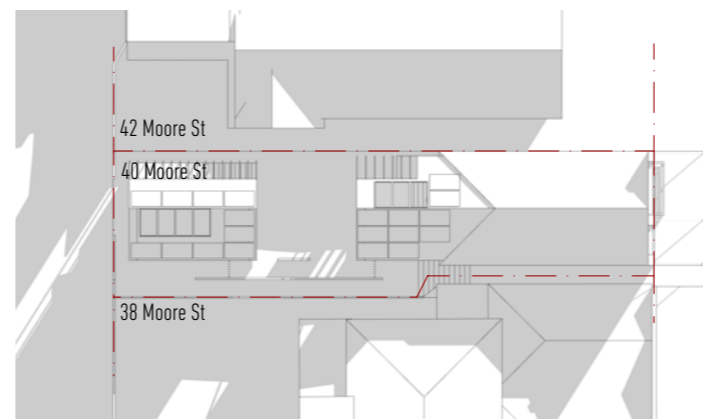
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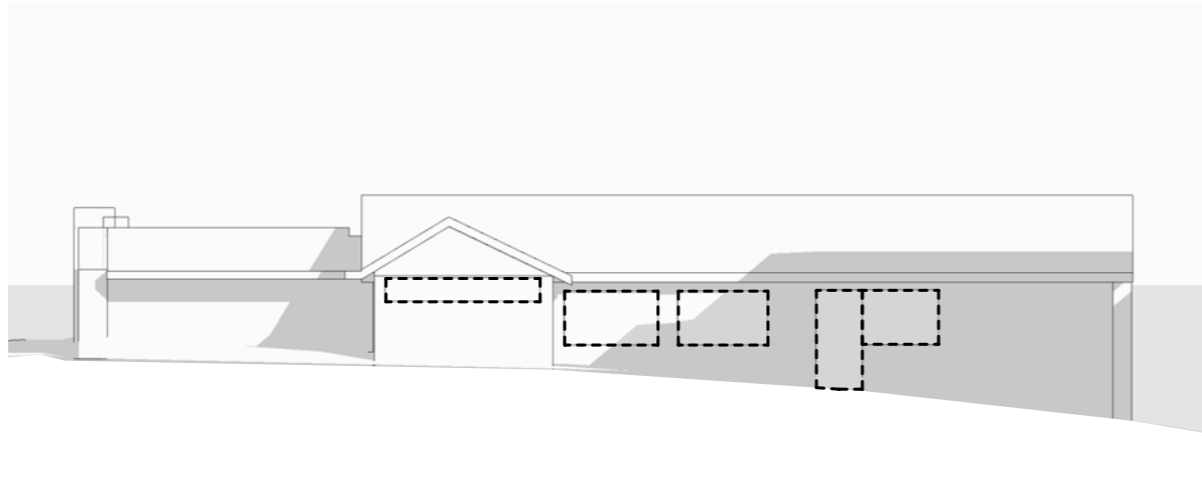
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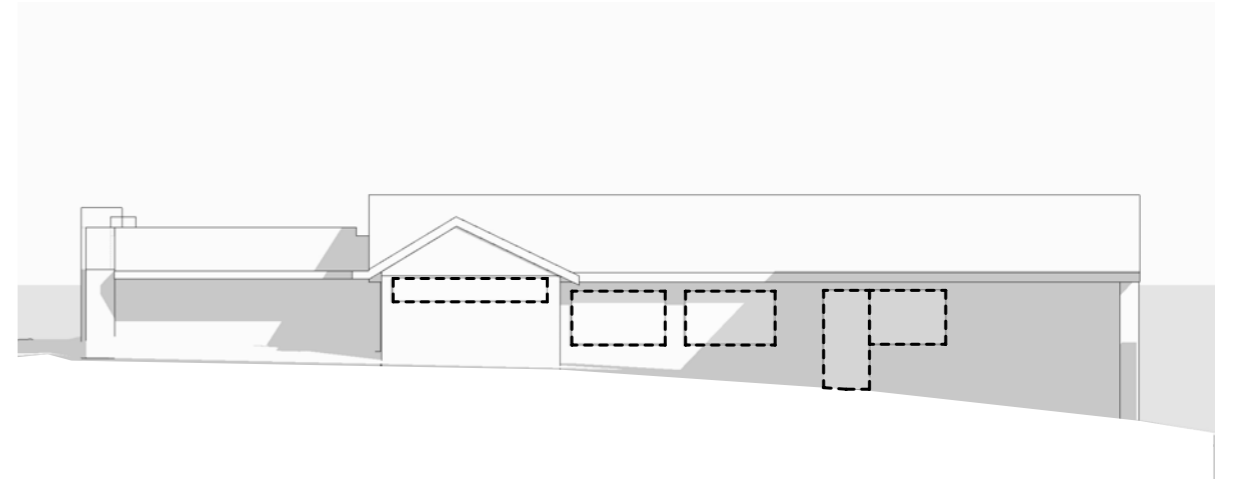
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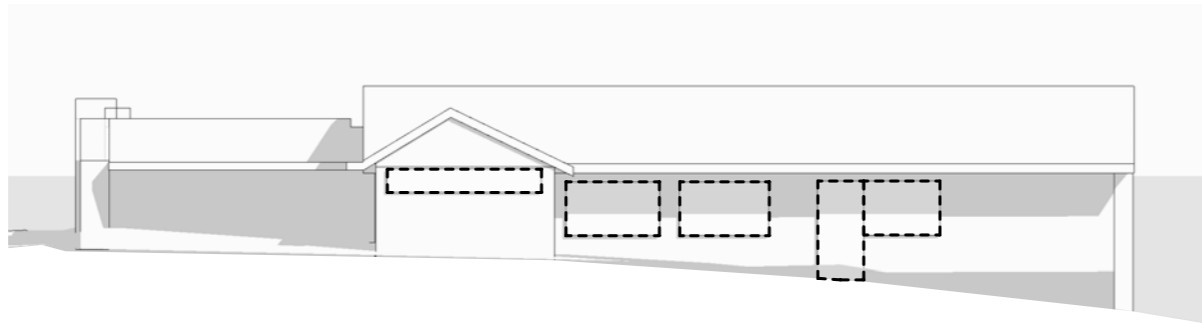
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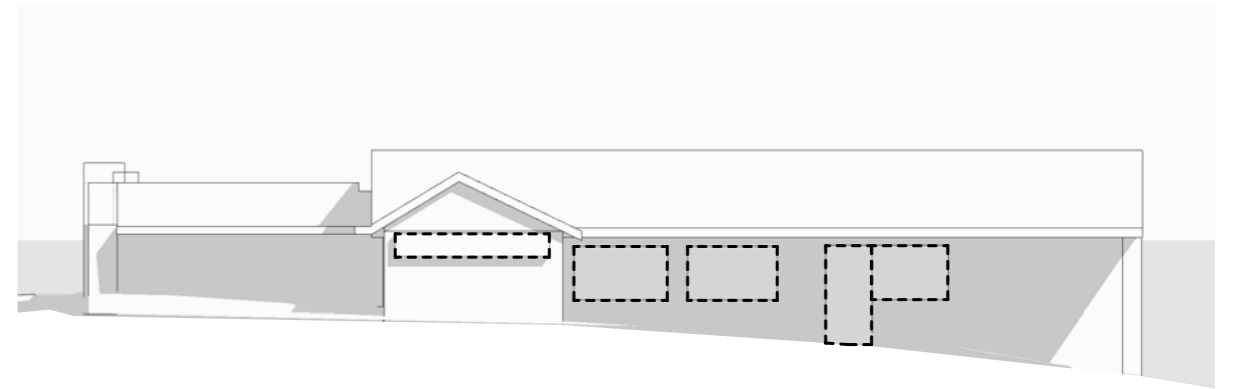
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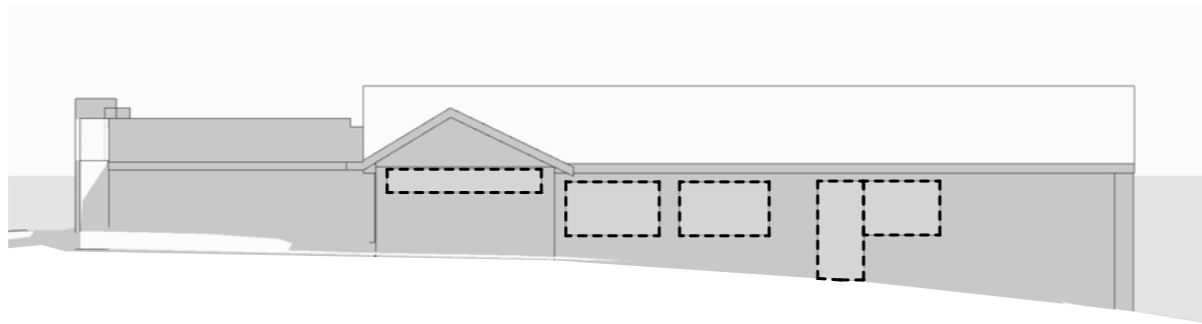
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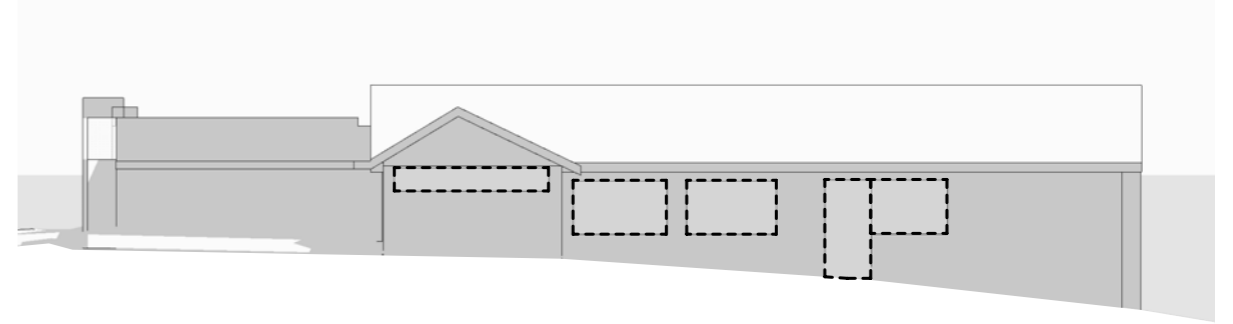
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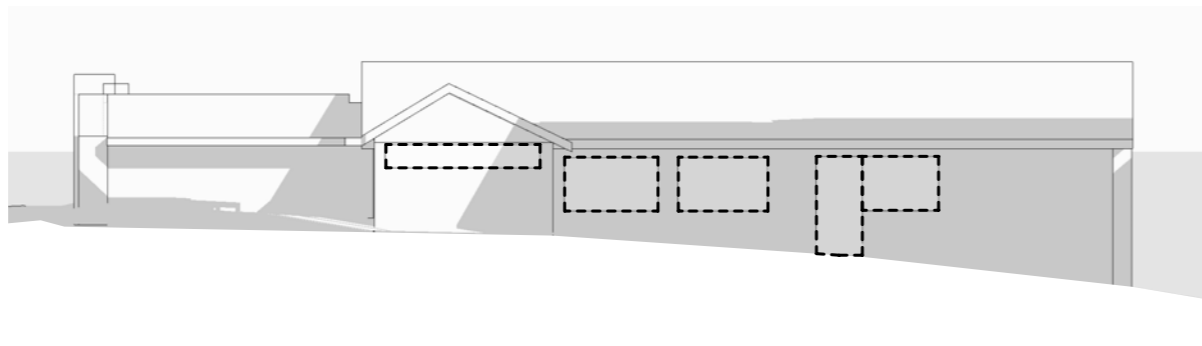
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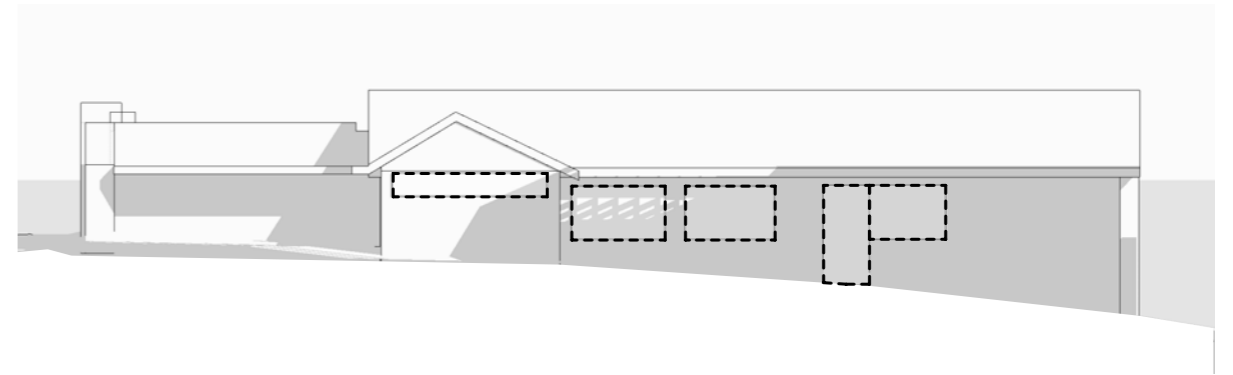
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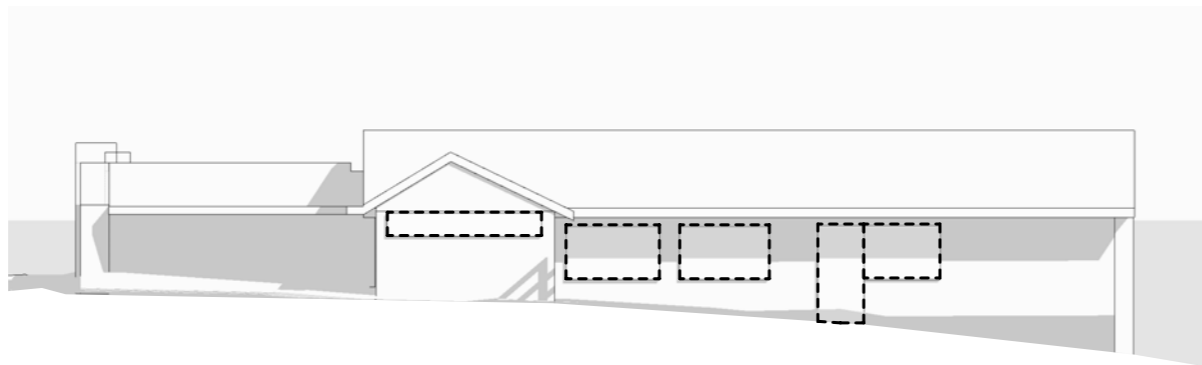
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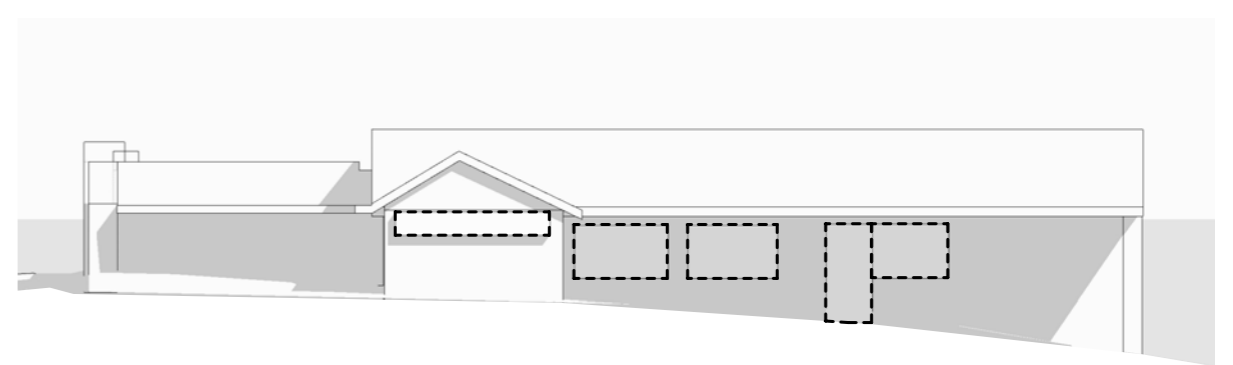
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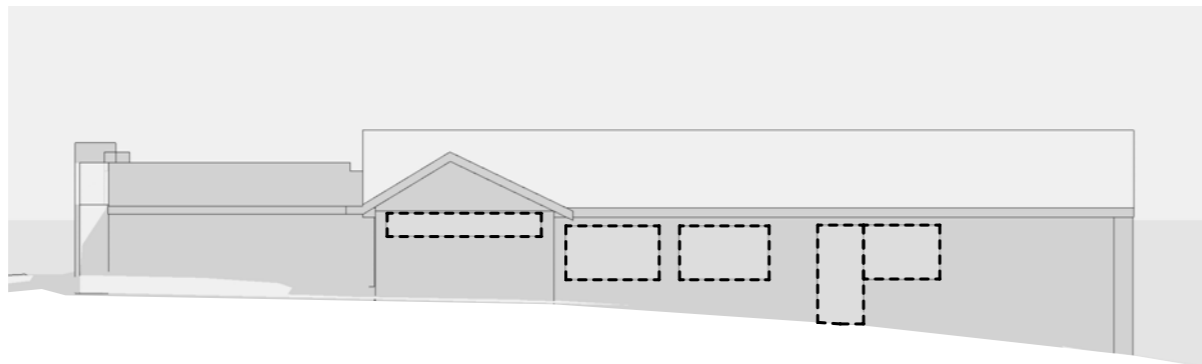
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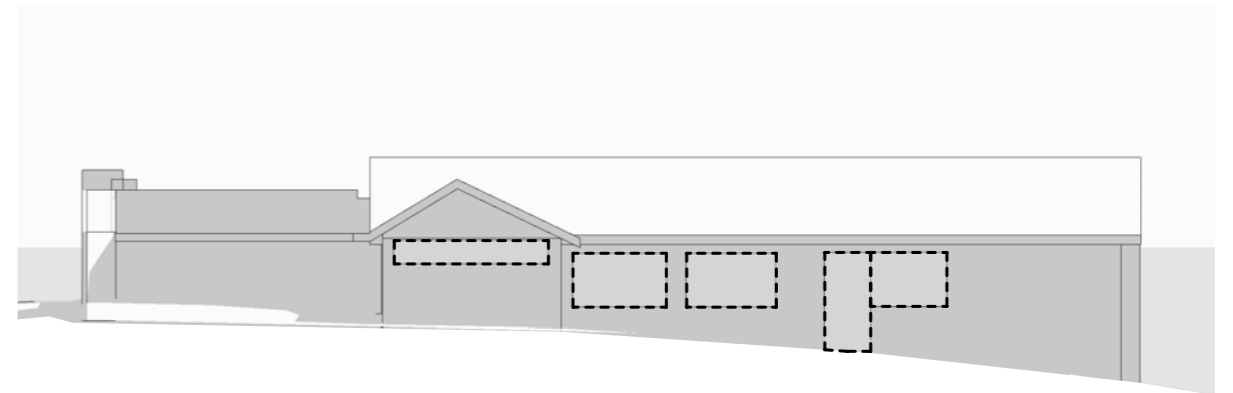
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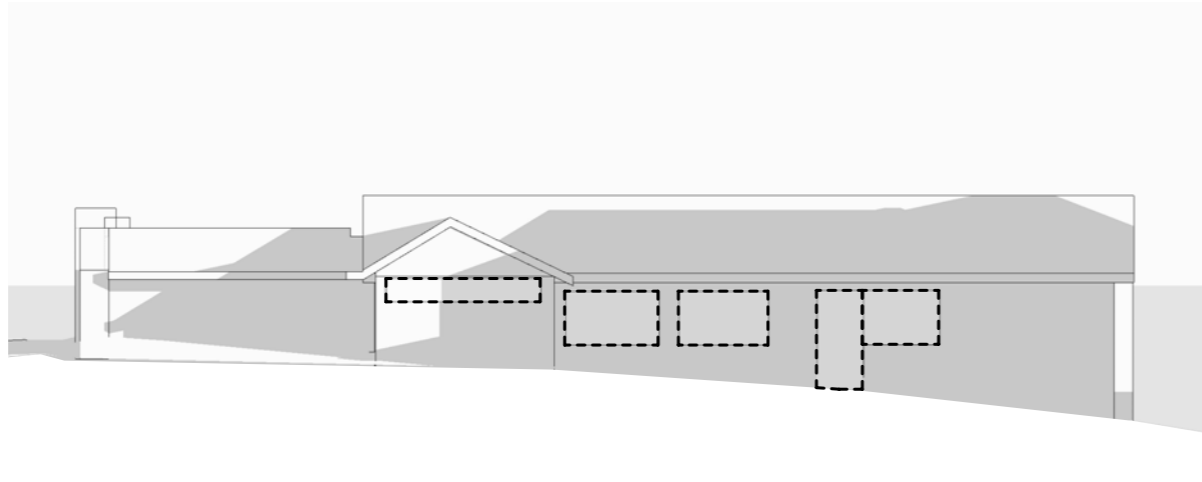
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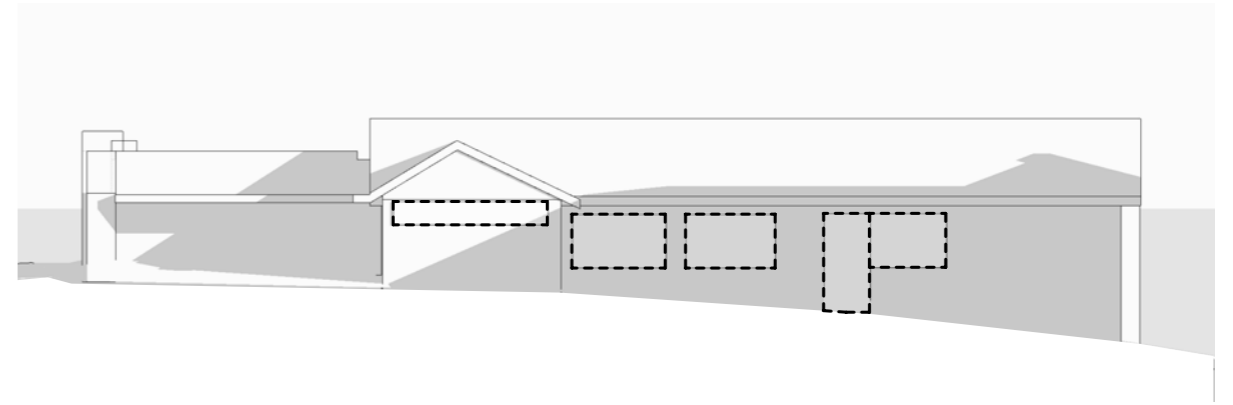
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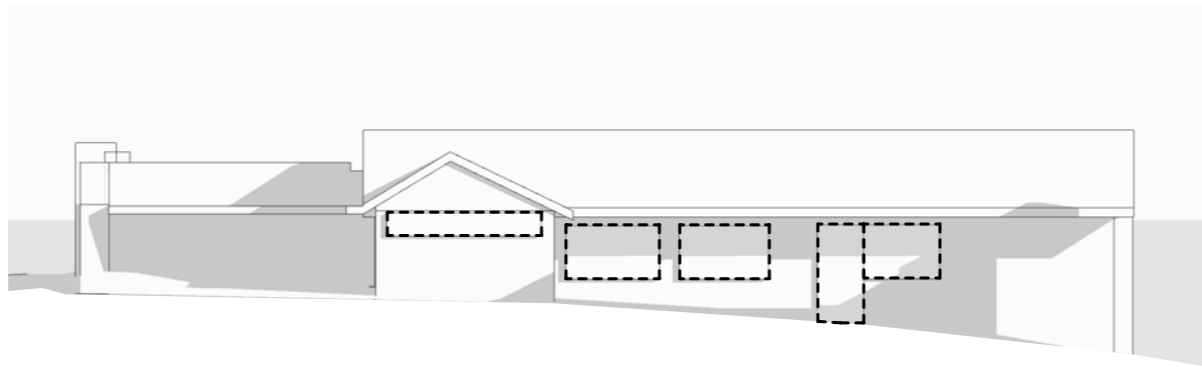
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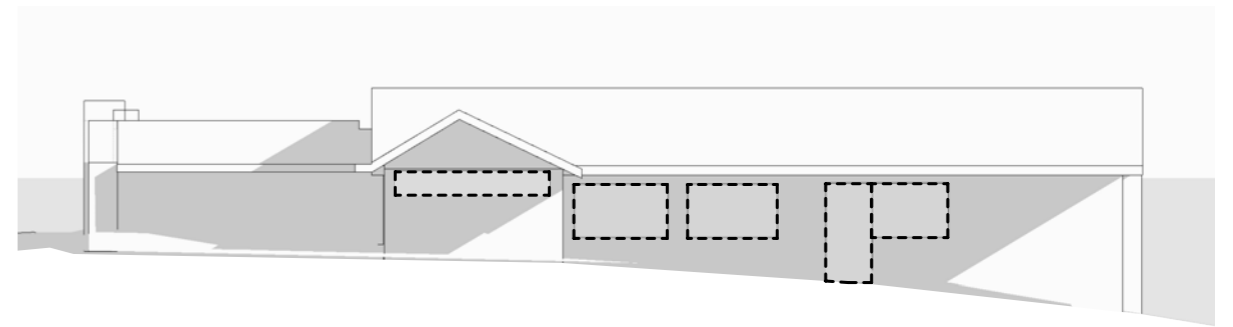
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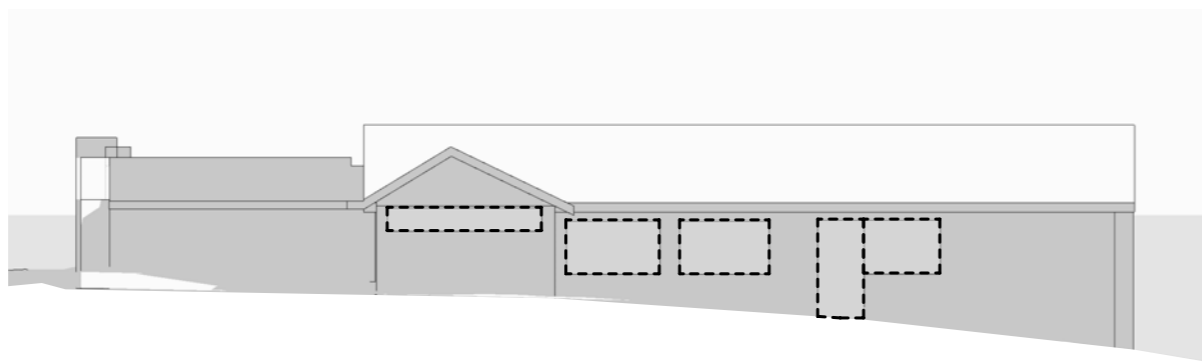
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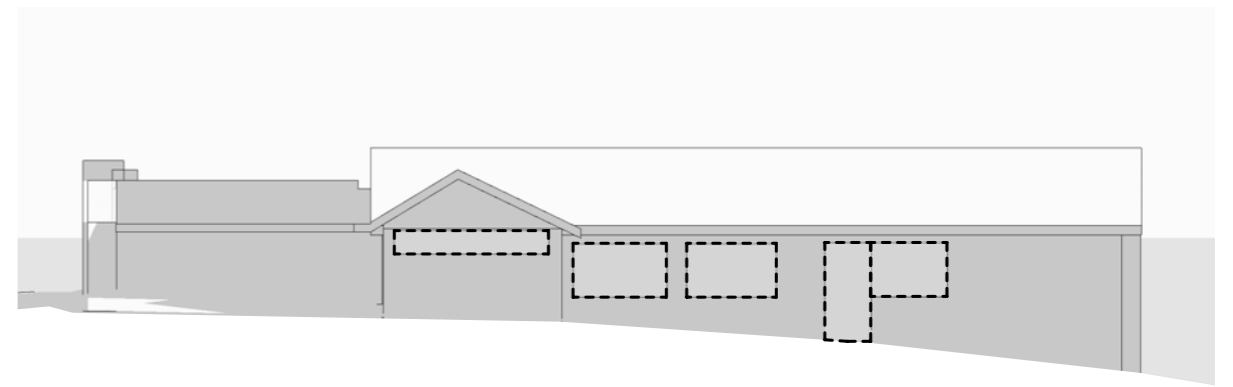
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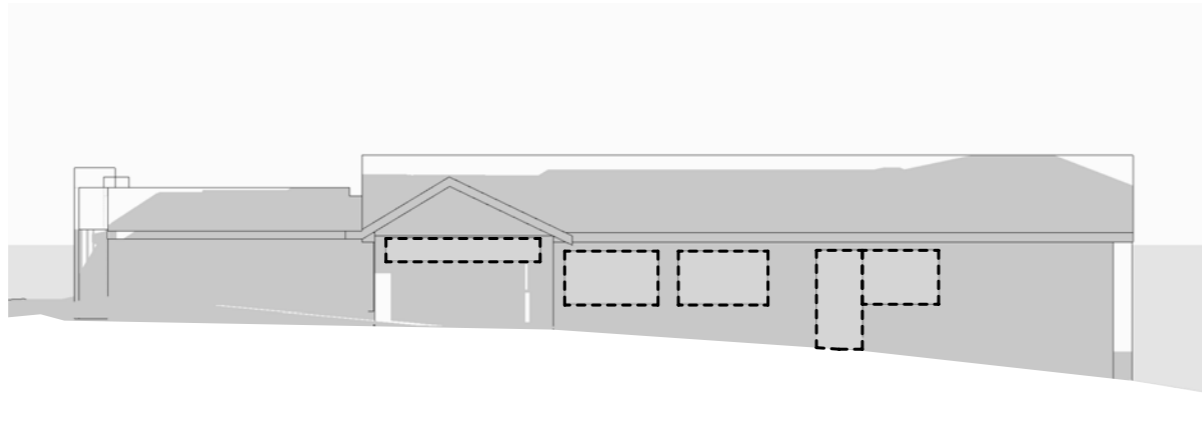
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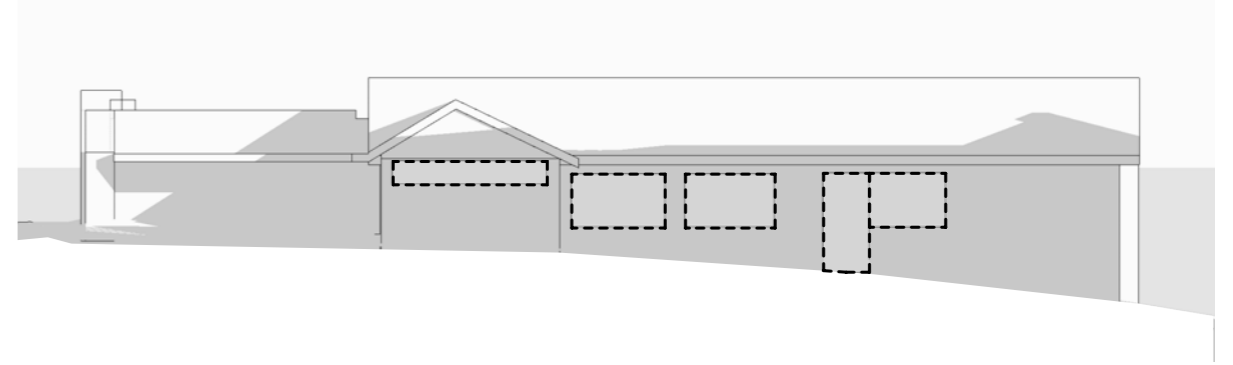
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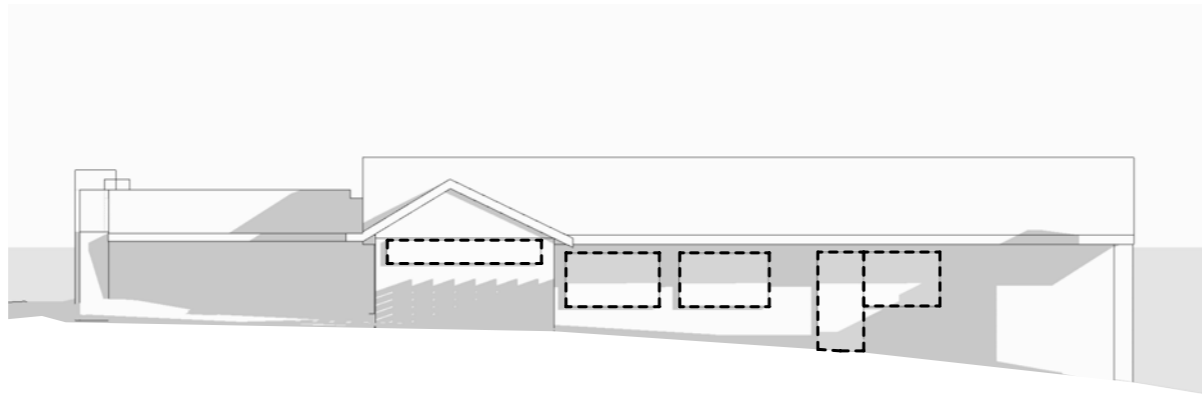
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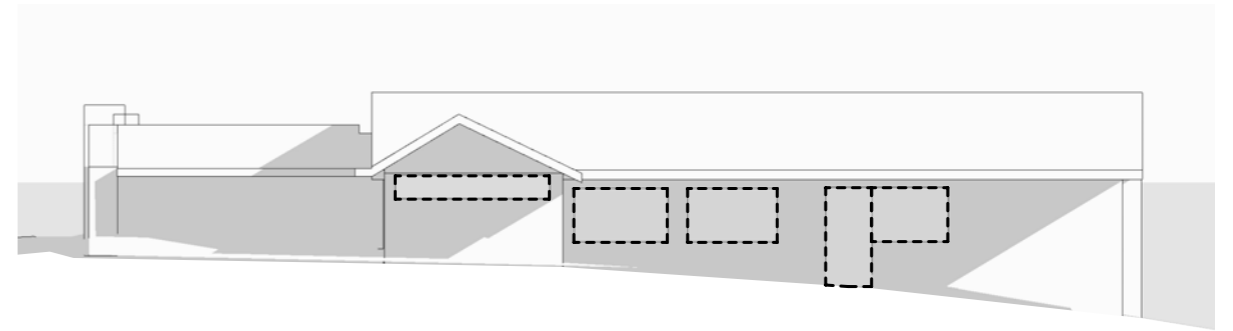
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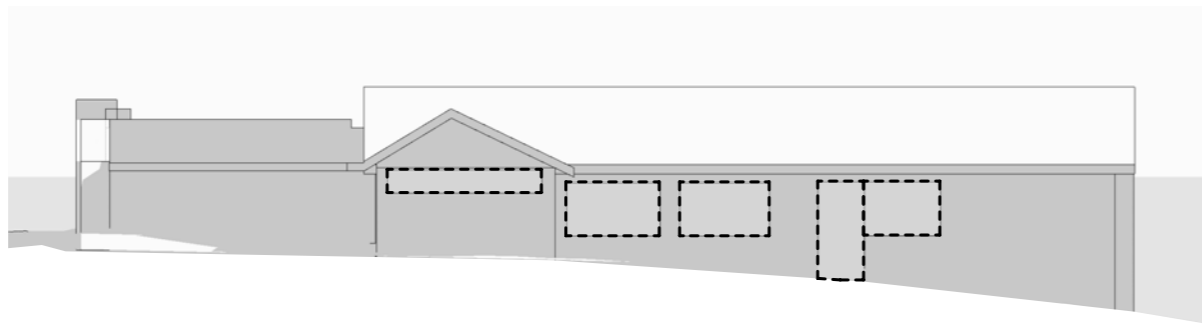
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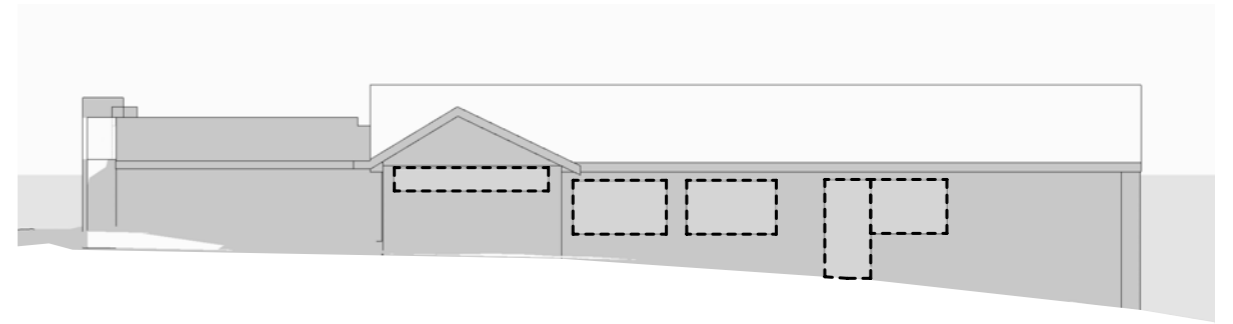
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Proposed Alterations and Additions
40 Moore Street,
Austinmer,
Lot 1 DP 1073935
Statement of Environmental Effects
Planning Plus Project 20127– October 2020

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and Additions
40 Moore Street,
Austinmer,

PREPARED FOR

Helen and Wendell Boyd

PREPARED BY

Planning Plus (NSW) Pty Ltd (Planning Plus)

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1.0 INTRODUCTION

1.1 Components of the Development Application

In accordance with the requirements of the Environmental Planning and Assessment Act 1979 (as amended) (The Act), this document is the Statement of Environmental Effects (SEE) for alterations and additions at 40 Moore Street, Austinmer – Lot 1 DP 1073935.

The SEE has been prepared by Planning Plus (NSW) Pty Ltd (Planning Plus) on behalf of Helen and Wendell Boyd..

The SEE completes the documentation required under the Act and accompanies the following:

- A completed development application form.
- Architectural Plans (Appendix A)
- Copy of consent D2006/1706 (Appendix B)
- Heritage Impact Assessment (Appendix C)
- Variation to FSR (Appendix D)
- BASIX (Appendix E)
- Waste Management Plan Appendix F)
- Section 4.15 Assessment (Appendix G)

The subject land is within an area identified in the Wollongong Local Environmental Plan (WLEP) 2009 as R2 Low Density Residential.

1.2 The Development Site

The site of the proposed development is located within the Wollongong Local Government Area. It is located on the southern side of Moore Street within an enclave of small boutique shops.

To the west of the site is the South Coast Railway Line and to the east of the site is Lawrence Hargrave Drive and the Ocean

The location of the site within the context of the general area is shown in Figure 1.1. The subject site is shown 'washed' in yellow. The legal description of the site is Lot 1 DP 1073935.

Figure 1.1 Location of Development Site



Subject Site

Source: www.six maps

2.0 THE PROPOSED DEVELOPMENT

2.1 Background

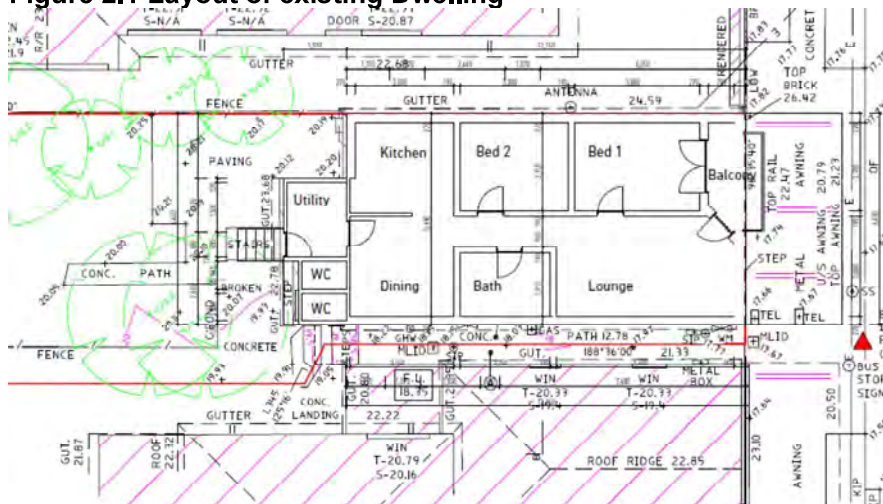
The building is two storey with a café operating on the ground floor and a single residence is located above the café. Approval to use the shop as a café was granted via:

D2006/1706 – Change of Use from a butchers shop to café and outdoor seating.

There is no intention of changing any element of the approval associated with that consent with regard to patron numbers or hours of operation.

However, the owners of the site are aware that the residential portion of the site is cramped and its functionality would improve with an altered layout. The current layout has no opportunity for the living area of the dwelling to connect with the rear yard. The kitchen and dining areas are separated and are quite small and difficult to use in a cohesive manner. The existing layout of the dwelling is shown in Figure 2.1.

Figure 2.1 Layout of existing Dwelling



Source: TAKT Architecture

The café is a small area with the kitchen separated from the seating area and a store room is located between the kitchen and the seating area. Patrons who may wish to use the toilets have to enter the resident’s private yard to access these toilets. Again, this is not a functional layout.

This review of their circumstances and the effective operation of this site has led to the preparation of this development application. In all elements

of the design of the alterations and additions, the context of the building and its heritage status has been considered.

2.2 Context

The shop is one of three buildings located on the southern side of Moore Street and these are all brick buildings, with essentially no front setbacks and minimal side setbacks. This is also reflective of the other shops in the small stretch of Moore Street.

The properties along the northern and southern side of Moore Street are one block deep. Properties along the northern side of Moore Street use Hennings Lane for vehicular access and the properties along the southern side of Moore Street use Moore Lane for vehicular access. Consequently, the majority of homes and shops along Moore Street do not have vehicular access from Moore Street. The primary exception to this arrangement is the parking located near the Anglican Church.

The Anglican Church is located opposite the site and parking is provided along its eastern boundary. Access to the parking area is available from Hennings Lane and Moore Street. An aerial photograph of the site is shown in Figure 2.2 and shows this parking arrangement. The area outlined in yellow dashed lines shows parking in the area.

Figure 2.2 Off-Street Parking Provided



Subject Site

Source: Google Maps

The 'row of shops' located in Moore Street is shown in Figure 2.3 and the subject site is the last of these shops in this row. It is evident that together these group of shops form a small commercial enclave along Moore Street.

Figure 2.3 Row of Shops along Moore Street



Subject Site

Source: Google Maps

It is somewhat perplexing then that this strip of shops is zoned R2 Low Density Residential and on the opposite side of the street, a portion of Moore Street is zoned B1 Neighbourhood Centre as shown in Figure 2.4. The subject site is shown outlined in yellow.

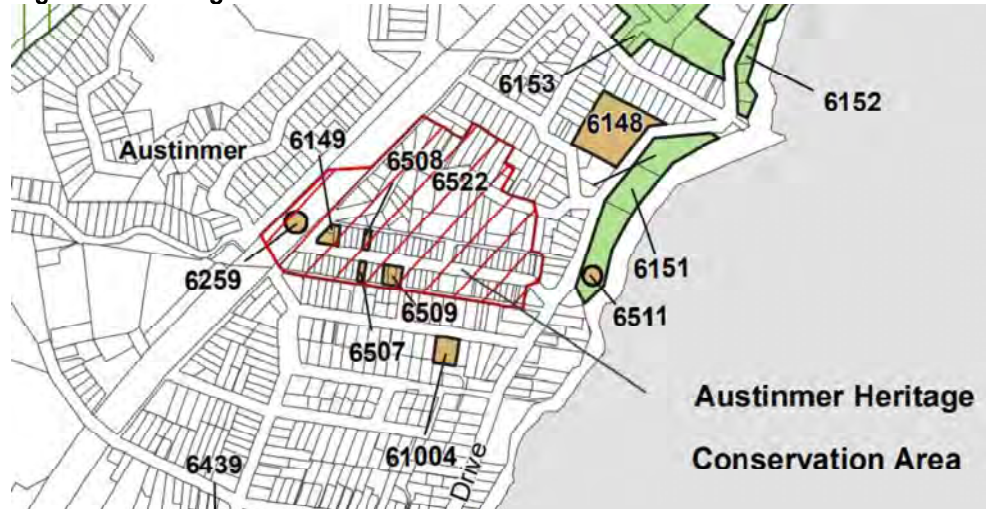
Figure 2.4 Zoning of Land



Source: SEPP Coastal Maps

The site is also identified as having heritage conservation values and is located within a heritage conservation zone as shown in Figure 2.5.

Figure 2.5 Heritage Conservation Area



Source: nswlegislation.nsw.gov.au

The heritage significance of the site has been described as:

The shops at at 34 -40 More Street, Austinmer are of significance for the Wollongong area for historical and aesthetic reasons and as a representative of the Federation shops in the area. The shop at number No 34, as former Post Office, has additional importance for the community's sense of place. The shops are readily indentifiable as historical buildings and present as having a good degree of integrity when viewed externally, individually and collectively, the three buildings make a major and very important contribution to the townscape character and identify of the conservation area.

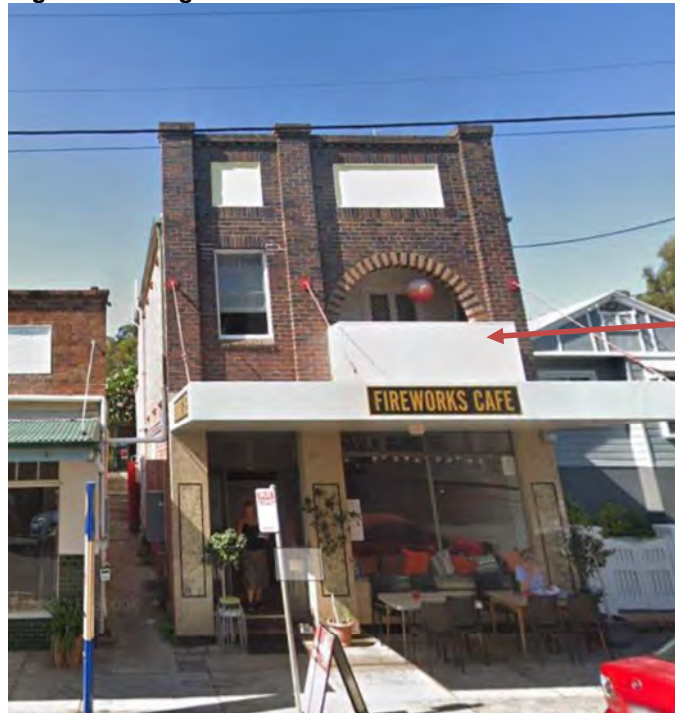
(Heritage Impact Statement quoting SHI 5062261)

2.3 Design

The context of the site and its heritage status has informed the design of the building.

The presentation of the building within the streetscape is a significant element to the enjoyment and character of this shopping precinct. Arising from this, and because the site has heritage listing, effectively no changes are proposed to the front façade other than the replacement of unsympathetic sheeted balustrade which is being replaced with post and rail fencing which is more in line with the original heritage qualities of the building. Figure 2.6 is an image of the front elevation of the building.

Figure 2.6 Image of Front Elevation



To be replaced with post and rail to suit heritage character.

Source: Google Maps

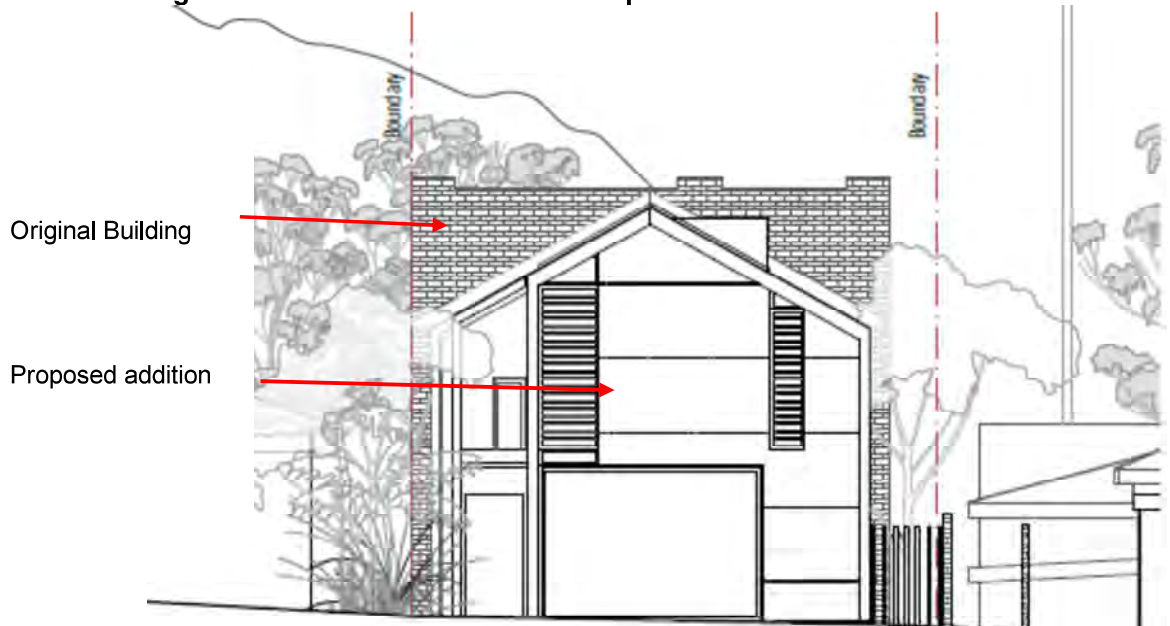
One of the design considerations has been how to incorporate the alterations and additions so that 'separation' is achieved between the original building and the additions. This has been achieved by 'nestling' the additions within the lines of the existing building.

This means that the existing building remains the more dominant structure and that there is a distinction between the original building and the proposed addition.

The other distinction created between the existing building and the proposed additions is through materials selection. The existing building is brick and the materials proposed for the addition is dark metal cladding (Colorbond Monument or similar) this allows a contrast between the fabric of the original building and the proposed additions. The western wall of the proposed studio will be copper.

This 'nestling' is most easily seen via the southern (rear) elevation where it is obvious that the proposed addition is narrower than the existing building as shown in Figure 2.7. The contrast in materials between the existing and proposed additions is evident on the eastern and western elevations which means that the building's profile viewed from Moore Street remains unchanged.

Figure 2.7 Southern Elevation of Proposed Additions



Source: TAKT Architecture

Figure 2.8 shows the western elevation and the contrast achieved through materials selection. It also shows the lowered roof line.

Figure 2.8 Western Elevation of Proposed Additions



Source: TAKT Architecture

Another design consideration has been the provision of light to the proposed additions and the protection of privacy to the adjoining neighbours.

The western elevation in Figure 2.8 shows that skylight windows are provided along the roof line which will have no privacy impact to the neighbours to the west. A tall window is proposed to service the dining room. This is at ground level and setback from the boundary by approximately 1.5 m which will further reduce any impacts on privacy - noting that this is more than the 900mm required for 'normal' residential development.

The proposed garage, and studio above the garage, is also respectful of neighbour's privacy by utilizing skylight windows.

3.0 PROPOSAL

This application is for proposed alterations and additions to an existing shop and dwelling.

The proposed alterations and additions include:

- Construction of a garage
- Construction of an artist's studio above the garage
- An addition to the existing dwelling to enable provision of a dining room. This will be stepped down so that access to the dwelling is available from the courtyard at the rear and internal stairs will connect with the dwelling located above the café. This will also result in connection to the private outdoor area.
- A more functional internal layout for the dwelling
- Creation of a landscaped courtyard
- Internal alterations to the existing shop
- Associated works to support the development proposal
- Demolition of rear wall and 'lean to's'

The extent and type of additions is most easily clarified in viewing Figure 3.1 which shows additional 'floor area' associated with the proposal.

Figure 3.1 Floor plan showing existing, renovated and proposed portions of the Building



Source: TAKT Architecture

It is evident from this plan, that the setbacks proposed for the 'new' additions, is effectively set back more than 1.3m from the western boundary and effectively 2m from the eastern boundary.

3.1 Studio

An artist's studio is proposed above the garage. It will be used by one of the residents of the dwelling so that they can paint and be separate from the main dwelling and not disturb, or be disturbed by, the normal functions of the house. There is a direct visual link which provides connectivity between the dwelling and the studio.

The artwork that will be produced in the studio and the creation of this artwork will essentially have no impact on the amenity of the neighbourhood whilst it is being produced. The studio will only be used by residents of the existing house and on occasions it may be used by their visitors. The studio will not be used as a separate dwelling.

3.2 Functionality

The amended layout and additions to the dwelling and the café allow for a more functional layout.

The proposed toilet for the café will enable patrons to easily access this facility without having to go to rear of the building and past the kitchen to use the toilets.

The altered layout of the dwelling provides a much more functional kitchen and dining layout. This layout now allows direct connection to a courtyard area from the dining room. The courtyard area will be landscaped so that it becomes a feature area between the studio and the dining area.

3.3 Parking and Traffic

The proposed development will utilize access from Moore Lane as is the current arrangement. This will formalize the existing parking arrangements. It is evident from the width and depth of the property that parking can only reasonably be provided on site for one residential parking space. There will be no change to this existing arrangement. As the dwelling is less than 125m² there is no requirement to provide additional parking on site,

There is no effective change in the commercial use of the building which means that there is no additional impact on current parking arrangements associated with this shop and that no additional parking spaces are warranted or required for the proposed development.

It is also noted that Council has recently granted approval via DA2019/1150 for a garage and other works on the adjoining property. This is very similar in size to what is being proposed on the subject site with similar access requirements.

3.4 Stormwater

The site is located within an OSD concession zone consequently all stormwater is discharged to the existing street system.

3.5 Bushfire

The site is not identified as being bushfire affected.

3.6 Heritage

A Heritage Assessment is provided and concludes that *the proposed works will not impact detrimentally on the significance of the place while considerably improving its amenity. The proposals are in line with the heritage objectives and controls in the WDCP and will have little impact on the surrounding conservation area and the heritage items in the vicinity.*

3.7 Waste Disposal

There will be no change to the existing arrangements for the disposal of operational waste from the site which is via Council's standard waste collection operation. The bins now have separate allocated space on site.

A waste management plan for the demolition and construction of the proposed works is located in Appendix F.

4.0 EXISTING PLANNING CONTROLS

4.1 Local Environmental Plans – Zoning Issues

The subject land is zoned R2 – Low Density Residential under Wollongong Local Environmental Plan 2009 (WLEP) as shown in Figure 4.1. The site is shown coloured yellow.

Figure 4.1: Zoning Map



Source: www.environment.nsw.gov.au

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The uses permitted in the zone with Council consent are as follows:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors

housing; Shop top housing; Signage; Tank-based aquaculture; Veterinary hospitals

Council granted consent to the use of the site as a café via various development consents including D998/688 and D929/03.

The latest development consent which was issued for the site was via D2006/1706/A which was for the change of use from a butcher's shop to a cafe and for outdoor seating. The site is being used as a café (subject to covid restrictions) and consequently the café portion of the site enjoys existing use rights. It is also noted that the works associated with the existing café are minor and that no extensions to the café are proposed and consequently there is no intensification of use on the site.

Existing use rights are not relevant for the residential portion of the site.

Clause 4.3 Height of Buildings

The height of buildings permitted in this area is 9m. The proposed additions are compliant with this requirement.

Clause 4.4 Floor Space Ratio

The site has an area of 235.9m² and the existing buildings on the site have a total floor area of 129.9m². The proposed new floor area is 47.9m² which brings the total floor area to 177.8m² which results in a floor space ratio of 0.75:1. Appendix D is a justification seeking a variation to the floor space ratio to the site.

Clause 5.10 Heritage Conservation

The site is located within a heritage conservation zone and in addition, the building is identified as an item of environmental heritage.

This clause requires that before Council grant consent to the use or development of a building or place that has heritage listing, that consideration be given to the impact the proposed development will have on that heritage item or place.

Subclause 10 also allows various conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

- (a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

A Heritage Report has been prepared to support the proposed development. This is located in Appendix C.

Clause 7.1 Public Utility Infrastructure

It is considered there will be minimal impacts to public utility infrastructure arising from this proposed development.

Clause 7.2 Natural Resource Sensitivity

The site is not identified as being subject to natural resource sensitivity so this clause is not relevant to the assessment.

Clause 7.3 Flood Planning

There is no indication on Council's mapping that the site is affected by flooding.

It is noted that the site is located in an OSD concession zone.

Clause 7.4 Riparian Lands

This site is not identified as being affected therefore this clause is not relevant.

Clause 7.5 Acid Sulphate Soils

The land is identified within Class 5 Acid Sulphate Soils is shown in Figure 4.2 and is coloured yellow. Under the provisions of this clause, development in Class 5 land requires consent if they are:

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The site is not within 500m of class 1, 2, 3 or 4 acid sulphate soils.

Consequently, the classification in this instance would not require consent and accordingly is not considered significant to the proposal.

Figure 4.2 Map of Site Constraints



Source: www.nswlegislation.gov.au (Map 23)

4.2 Development Control Plan 2009

The consolidated DCP applies to the site and the relevant chapters are discussed below. Given the heritage listing of the site, it is considered that the principles and controls with Council's requirements for heritage Buildings takes precedence over other chapters of the DCP which then enables the heritage qualities of the building and the area to be retained.

Chapter A1 – Introduction

Broadly, this Chapter sets out Council's requirements for lodgement of applications and the information which must be provided to support a development application.

This Chapter also identifies the matters which must be addressed when a variation to a development control plan is sought.

Chapter E11 – Heritage Conservation

A Heritage Report has been prepared to accompany the development application and addresses the requirements of this Chapter of the DCP.

It is considered the proposed development complies with the objectives of this Chapter which are to:

- (a) *To conserve the environmental heritage of the City in accordance with the principles contained in the Burra Charter;*
- (b) *To consider the potential heritage significance of all properties identified on the Wollongong LEP 2009 Heritage Map and other applications as a matter to be taken into account in the assessment of Development Applications affecting those properties;*
- (c) *To integrate conservation issues and management into the planning and development control process;*

- (d) *To ensure that any development with respect to a heritage site is undertaken in a manner that is sympathetic to, and does not detract from the identified significance of the site;*
- (e) *To encourage innovative approaches to the conservation of Wollongong’s heritage and to provide incentives for good management practice;*
- (f) *To promote Wollongong’s cultural heritage as a valuable resource that must be conserved for future generations.*
- (g) *To encourage and guide recording and interpretation of significant heritage throughout the development process.*

It is noted that specific controls also exist for the Austinmer Conservation zone and it is considered that the proposed development continues to comply with the development controls for this area – Clause 20.7.3.

It is considered that compliance with the provisions of this section of the DCP take precedence to other chapters of the DCP which do not anticipate heritage listed buildings.

Chapter B3 – Mixed Use Development

Table 4.1 is an assessment of the proposed development against the controls applying in the Development Control Plan in Chapter B3 of the DCP which applies to mixed use development. However it is considered that these controls apply primarily to ‘new’ sites.

The design principles and context of the site are discussed above and it is believed that the principles and discussion above provide a better measure for assessment than the application of controls which have little reference to an existing site which is a listed heritage item.

Table 4.1 Assessment of Mixed Use Controls

Chapter B3: Mixed Use Controls		
Clause Reference	Clause	Comment
4.1	Minimum Site width of 24m required	The site already exists with a café below and residential component above, consequently while this does not comply with Council’s control, it is an historic property and the consideration of this control to this site is considered inappropriate.
4.2	Maximum Floor Space Ratio	See Appendix D
4.3	Building Height	This development already forms part of the existing (heritage) street scape. The proposed additions will not exceed the height limit and consequently it is considered that the proposed development is compliant with this clause.

4.4	Front Setbacks	There is no alteration to the front setbacks arising from the proposed alterations and additions.
4.5	Side and Rear Setbacks	<p>See Section 2.2 for discussion,</p> <p>It is evident from Figure 3.1, that the setbacks proposed for the 'new' additions, is effectively set back more than 1.3m from the western boundary and effectively 2m from the eastern boundary and is compliant with the requirements of a residential zone. Therefore it is considered that the objectives of this section are being met.</p> <p>Furthermore the requirements of Chapter E11 Heritage Conservation Clause 20.7.3 are considered to take precedence with regard to setbacks and it is considered this proposal is compliant.</p>
4.6	Built Form	See Section 2.2 and 2.3. The requirements of Chapter E11 are being complied with
4.7	Active Street Frontages	The site is considered to be compliant with the objectives of active street frontages.
4.8	Awnings	It is considered that the provision of awnings would be contrary to the Architectural heritage values of the site.
4.9	Car parking	<p>The proposed development will provide formalised parking arrangement for the existing residential component of the site.</p> <p>The requirements of Chapter E11 are being complied with in that 1 space is now formally provided for the dwelling. The existing approvals for the shop do not generate any additional parking requirements.</p>
4.10	Basement Car Parking	Not relevant
4.11	Driveways	Access to the car parking space is from a laneway along the rear of the property. It is considered that the driveway is appropriate for the context of the site.
4.12	Landscaping	Given the unique context of this site, it is considered that the proposed alterations and additions are compliant with the relevant objectives of this clause.
4.13	Communal Open Space	There is no requirement to provide communal open space and consequently this clause is not considered relevant.
4.14	Private Open Space	All of the landscaped area within the site comprises private open space for the residents of the site. The proposal will result in the development of a courtyard area which will provide a focal point for the dwelling and a desirable area to retreat to. This will also result in a more functional and useable area for the residents because it will now be accessible from a living area at ground level.

4.15	Solar Access	Plans showing solar impact are included in the architectural plans. These plans show there is minimal change associated with the proposed development because of the proposed additions.
4.16	Visual Privacy	It is considered that the proposed alterations and additions has had regard to the objectives of this clause and is compliant within the constraints of the site.
4.17	Acoustic Privacy	The controls associated with this clause are largely not applicable to this site given that it is essential a very modest addition to an existing building. Also, because there is only one family unit which would be living on the site there is no other on-site conflict
4.18	Adaptable and Universally Designed Housing	The design and layout of the proposal is informed by the existing building on the site and the fact that it is a heritage building. The application of this standard is difficult due to these constraints.
4.19	Residential Component – Apartment Mix and Layout	There is only one dwelling proposed, consequently this clause is not considered relevant
4.20	Natural Ventilation	The proposed additions and renovations significantly improve the opportunity for cross flow ventilation than the current layout.
4.21	Adaptive Re-use	The controls associated with this clause are generally not applicable to this site and proposal.
4.22	Crime Prevention Through Design	<p>The ground floor use of the site as a café contributes to passive surveillance in the area.</p> <p>The balcony on the upper floor also allows incidental visual monitoring along the street which contributes to the sense of safety to the area.</p> <p>The construction of a garage along the rear boundary provides greater privacy and protection to residents of the site. The construction of a studio above the garage also allows for some limited passive surveillance in the area.</p>
5.1	Floodplain Management	The site is not identified on Council's mapping system as being affected by flooding.
5.2	Land Reshaping Works	There is minimal impact on the site with regard to reshaping of the site.
5.3	Retaining Walls	No external retaining walls are required as part of this proposal. All proposed works will be supported by a structural engineer.
5.4	Soil Erosion and Sediment Control	The proposed alterations and additions will comply with the requirements of this clause.
5.5	Fences	<p>Fencing along the side boundaries will remain essentially unchanged.</p> <p>Fencing along the rear boundary will be modified to accommodate the proposed garage.</p> <p>No fencing is proposed along the front boundary</p>

5.6	Access for People with a Disability	The building is existing and a heritage building. There is no change proposed in accessing the café arising from this development proposal.
5.7	Services	It is considered there are no significant impacts on provision or use of services arising from this proposal.
5.8	Swimming Pools	Not relevant
5.9	Fire Brigade Servicing	The proposed alterations and additions are essentially minor in impact and it is considered that there will minimal impact on the capacity to service the site arising out of this proposal.
5.10	Site Facilities	These are currently accommodated on site and there will be no material impact arising out of the proposal
5.11	Storage Facility	The proposed studio will also be available for storage
5.12	Waste Management	There will be no change to ongoing management of waste.

Chapter D1 – Character Statements

This site contributes significantly to the character of Austinmer. It is evident from the plans submitted that there will be little, if any, material change to the streetscape or character of the area, consequently the proposal is considered to be compliant with the requirements of this Chapter.

Chapter E7 – Waste Management

A waste management plan has been prepared. Once constructed, the dwelling will rely on normal domestic bin collection as is currently the case.

Café waste will be disposed of using the current situation in that existing bins will be put into Moore Lane for collection.

The waste management plan identifies the volume of waste anticipated during demolition and construction and how this waste will be managed.

4.3 State Environmental Planning Policies

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The provisions of this SEPP have been assessed but are not considered relevant to this proposal.

State Environmental Planning Policy No 55 Remediation of Land.

There is no known contamination of the site which would prevent development of this site.

State Environmental Planning Policy (Coastal Management) 2018

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

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

The site is identified on Coastal Use Map as shown in Figure 4.3 coloured orange below.

Figure 4.3 Coastal Use Map



Source: http://webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=SEPP_CoastalManagement

Table 4.2 addresses the requirements of the Coastal Management SEPP as they apply to this site.

Table 4.2 SEPP Coastal Management

SEPP Coastal Management		
CLAUSE 14 Coastal Uset Area		
Clause Reference	Clause	Comment
14(1)	Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:	
14(1)(a)	(a) has considered whether the proposed development is likely to cause an adverse impact on the following:	These matters have been assessed and it is considered that the

	<ul style="list-style-type: none"> (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and 	proposed development will not adversely impact on any of these values.
14(1)(b)	<p>is satisfied that:</p> <ul style="list-style-type: none"> (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and 	As it considered there is no adverse impact, this sub-clause is not considered relevant
15	Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land	It is considered the proposed development will not adversely increase the risk of coastal hazards to the site or adjoining sites.
16	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land	Council's mapping for the Coastal Zone Study Information shows that the site is not affected by these constraints.

The other SEPPs have been assessed and are not considered relevant to this proposal.

5.0 EXISTING ENVIRONMENT

5.1 Topographic Features

The site has a two storey building constructed at the frontage of the site. The site is essentially flat. A laneway runs along the rear of the site.

5.2 Flora and Fauna Considerations

It is considered there are no flora or fauna considerations which would prevent approval of the proposal.

5.3 Bushfire Considerations

The site is not listed on Council's bushfire hazard maps as being bushfire affected.

5.4 Aboriginal Archaeology and European Heritage

There are no known Aboriginal Archaeological items located on the site. The site is listed in the LEP as having items of Heritage Significance.

5.5 Geotechnical and Contamination Issues

There are no known geotechnical or contamination issues which are likely to affect the development of this site.

5.6 Flooding Issues

There are no known flooding issues affecting that would impact the assessment of this application.

5.7 Infrastructure and Utility Services

There are no additional significant impacts on infrastructure or utility services arising from this development.

5.8 Traffic and Access

The site has pedestrian access from Moore Street and vehicular access is provided from Moore Lane.

The proposed alterations and additions are not considered to impact the volume of traffic or access to the site beyond the current circumstances.

5.9 Waste Management

A waste management plan is located in Appendix F.

5.10 Summary of Site Constraints

The proposed development will not:

- Result in any alteration to existing landform or the removal of any vegetation;
- Generate any additional traffic;
- Be at risk from environmental constraints such as flooding, bushfire or landslip;
- Affect items of Aboriginal Archaeological Heritage significance;
- Will not have a detrimental impact on the European heritage value of the site
- Generate adverse demand upon utility services or other infrastructure; nor
- Be adversely affected by noise nor cause any such adverse effect upon existing development in the locality.

It is therefore considered that there are no physical or environmental constraints to the proposed development.

6.0 SUMMARY AND CONCLUSION

6.1 Summary

The design of the proposed development is constrained and restrained in that it respects the heritage values of the site and the context of its location.

The design clearly allows the addition to the existing building to be read through the change in materials and through the extension being nestled within the lines of the existing building.

The proposed alterations and additions allow for a more functional and therefore enjoyable living environment for the resident and allows for a more convenient layout for the use of the shop and is also respectful of uses on adjoining properties through the placement of openings. The design outcome is thoughtful in response to the design constraints of the site and the objectives of minimizing any impact on the Moore Street elevation .

6.2 Conclusion

It is considered the proposed development is compliant with the objectives of the zone and the intent of the policy. It is considered that the proposed alterations and additions allow a heritage building to be upgraded so that it can function more effectively and that this upgrade can be achieved with essentially minimal impact to its heritage value or impact to the environment.

It is therefore submitted that the proposed development:

- Is currently permissible within the zone.
- Represents an economic and proper use of land and infrastructure.
- Is unlikely to result in a level of development which would adversely impact upon current traffic volumes or movements on the local road network accessing the site.
- Will not generate any unreasonable demand upon utility services or public facilities.
- Will not adversely affect existing land uses in the locality.
- Is not affected by environmental constraints that would prevent consideration of the proposal.

Accordingly, it is requested that Council give favourable consideration to the development application.

6.3 Matters for Consideration

The Environmental Planning and Assessment Act, in Section 4.15, sets out the matters which a consent authority (in this case Council) must take into consideration in determining a development application.

These matters have been considered by Planning Plus in the preparation of this Statement of Environmental Effects, and a summary is contained in Appendix G.



Appendix G

Pursuant to Clause 4.15 of the Environmental Planning and Assessment Act 1979, relevant matters for consideration are addressed in this Section.

1(a) The Provisions of:

(i) any environmental planning instrument,

The relevant planning instruments have been addressed in the body of the report.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, and

There are no draft or proposed instruments which would affect the assessment of this proposal.

(iii) any development control plan, and

The provisions under the Development Control Plan have been assessed and are discussed in the body of the report.

(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, and

No Planning Agreements have been entered into.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

Any matter prescribed by the Regulation, as made from time to time by Government, can be reviewed based on information contained in this statement, supporting documentation and plans.

Accordingly, there are no additional issues under this item of the Environmental Planning and Assessment Act, which would prevent Council's approval of the current development proposal.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

The impacts of the development have been described in the body of the report. The proposed alterations and additions are considered to be compliant with the relevant statutory considerations and is an acceptable outcome for the site.

(c) the suitability of the site for the development,

The site is suitable for the proposal. There are no significant features or attributes on the site or on adjoining properties which would prevent the favourable consideration of the proposal. Indeed the heritage values of the site and the area have been respectfully considered in the development of this proposal

(d) any submissions made in accordance with this Act or the regulations,

During the assessment of this application Council may place the proposal on exhibition. Any submissions made as a consequence of such notification must be taken into account by Council in its determination of the development application.

(e) the public interest.

It is submitted that the proposed development is within the public interest in that it is compliant with the zoning of the site and assists in the continuation of an existing business whereby the modest changes in its layout and the greater separation between the dwelling and café functions of the site contribute positively to the public interest.



**PLANNING
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4th November 2020

Project No 20127

General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG NSW 2520

Dear Sir,

ADDENDUM TO STATEMENT OF ENVIRONMENTAL EFFECTS - PROPOSED ALTERATIONS AND ADDITIONS 40 MOORE STREET, AUSTINMER

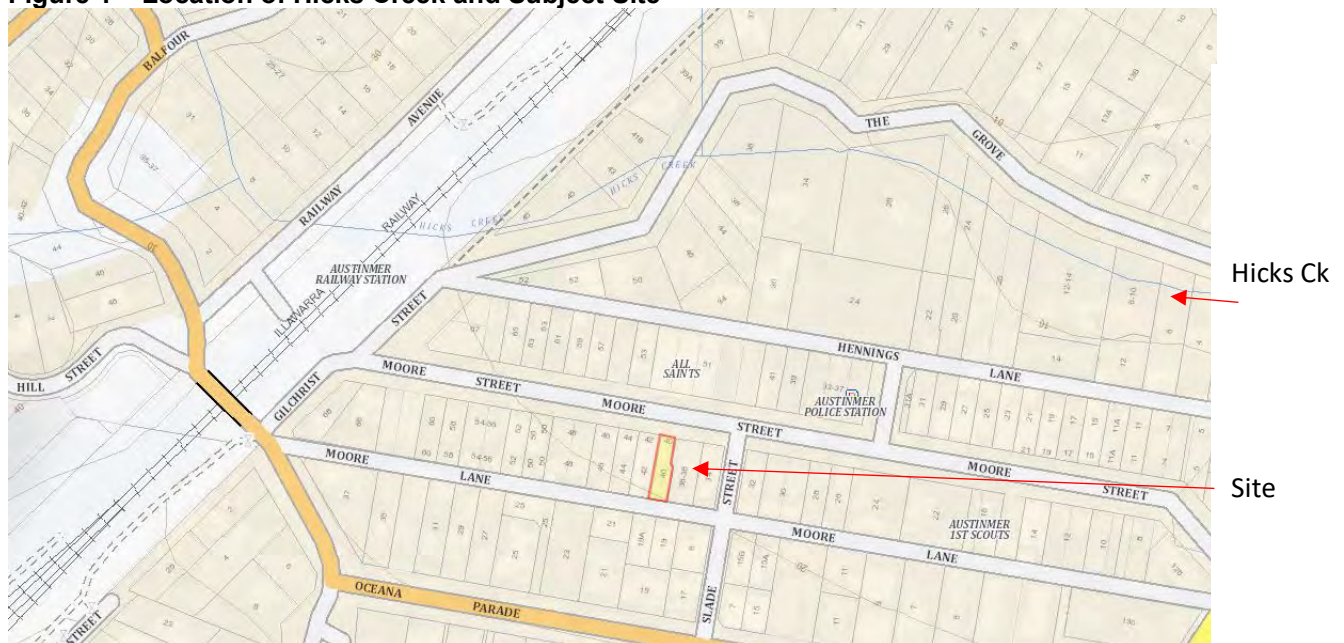
Planning Plus (NSW) Pty Ltd (Planning Plus) has been engaged by the owners of the above property to prepare a Statement of Environmental Effects (SEE) for alterations and additions to the existing building.

This is an Addendum to the SEE in response to advice received by Council which seeks further clarification on the potential impact of flooding on the site as it relates to Chapter E13 of Council's Development Control Plan (DCP). The response also relies on advice provided by TAKT Architecture and plans submitted as part of the development application proposal.

A Planning Certificate obtained for the site indicates that the property is located within a *Flood Affected – Flood Levels Undetermined precinct*.

Figure 1 shows the location of the site 'washed' in yellow and Hicks Creek is located further north of the site by approximately 120m.

Figure 1 – Location of Hicks Creek and Subject Site



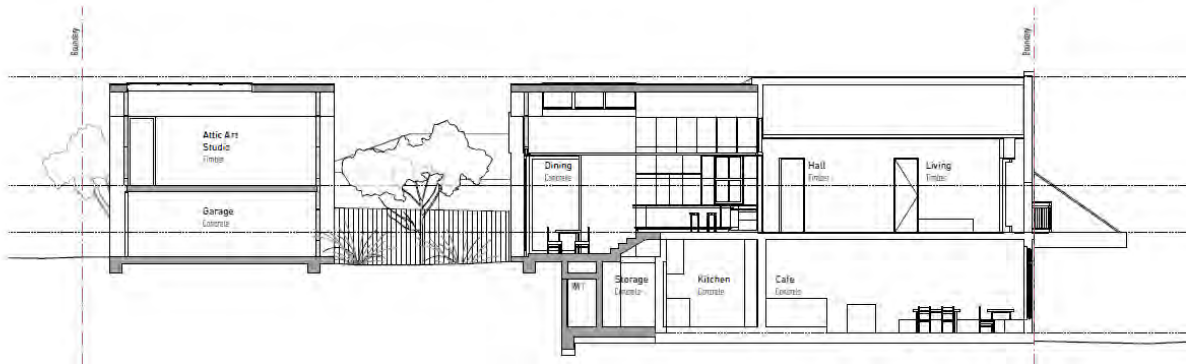
Source: Six Maps

The cross-sections of the proposed development in Figure 2 show that:

- the living areas of the existing dwelling,
- and the modest extension of the dining room
- and studio above the garage

are effectively a floor above the existing café.

Figure 2 – Cross-section of proposed development



Source: TAKT Architecture

Most roof water will be collected through the installation of new rainwater tanks with only overflow from the rainwater tanks being directed to the street system consequently, the provision of these rainwater tanks will actually lead to an improvement in the street drainage system.

As noted in the SEE, the land is *not* identified as riparian and the site *is* identified within an On Site Detention concession zone and consequently all stormwater would be directed to the street drainage system as part of the overall management of drainage in this catchment.

It is therefore considered that the proposed development will not contravene the relevant objectives of Chapter E13 – Flood Plain Management of the DCP in that it is considered the development does not pose a risk to public safety or hinder existing flow paths. It is also considered that there is no impact on the environmental value of existing waterways, their bank stability or function.

Please note that a survey plan has been provided as part of the initial submission.

Yours faithfully



Anne Trezise
 Principal



Appendix D
Justification for Variation to FSR
Lot 1 DP 1073935
40 Moore Street, Austinmer
Planning Plus Project 20127– October 2020

Variation to Floor Space Ratio

Justification

Proposed Alterations and Additions

Lot1 DP 1073935,
40 Moore Street, Austinmer

PREPARED FOR

Helen and Wendell Boyd

PREPARED BY

Planning Plus (NSW) Pty Ltd (Planning Plus)

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2	Client Issue	Anne Trezise		Oct 2020			Oct 2020

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FIGURE 2. Insertion of Building within Existing Walls

FIGURE 3 Floor Space Ratio

FIGURE 4 Subdivision along Moore Street

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1.0 INTRODUCTION

1.1 General

The site is zoned R2 Low Density Residential which has a Floor Space Ratio (FSR) of 0.5:1

The development has a proposed FSR of 0.75:1 and consequently a variation to the FSR is required.

A request for a variation to a development standard must address Clause 4.6 in the Wollongong Local Environmental Plan (LEP).

1.2 Clause 4.6

Clause 4.6 of the LEP provides for exceptions to development standards so that a better outcome can be achieved by allowing flexibility in particular circumstances.

The standard for FSR can be varied if it is demonstrated:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

and the consent authority is satisfied that:

- (c) *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*

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

To determine whether compliance with the development standard is reasonable, the objectives of the standard are considered. Clause 4.4 of the LEP identifies the objectives of FSR and these are to:

- (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.

The following addresses each of the objectives as follows:

Objective (a) - to provide an appropriate correlation between the size of a site and the extent of any development on that site

This site has an area of 235.9m² which is one of the smaller lots along Moore Street as shown outlined in red in Figure 1.

The historical value of the site and area has been recognised and is captured in the provisions of the LEP which shows that the site is within a heritage conservation zone and the site is identified as an item of local environmental heritage -Figure 1.

Figure 1 Identification of Heritage Area

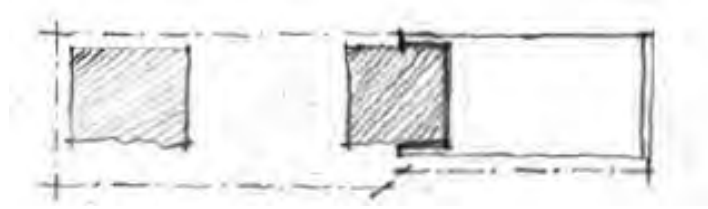


Source: www.wollongong.nsw.gov.au

The existing building is reflective of the time it was constructed which means that whilst the building is charming externally, there are functional layout issues which the proposal seeks to overcome and to enable the dwelling to ultimately be more habitable. The historical commercial use of this building means that there are minimal front and side setbacks.

The existing building is two storey and the proposed addition at the rear of the site is proposed to be 'nestled in' to the existing walls of the building, consequently the addition will not dominate the existing building or the streetscape. This is schematically shown in Figure 2.

Figure 2 – Insertion of Building within Existing Walls



Source: TAKT Architecture

The amendments on the ground floor of the building (café) allows the business to function more effectively and this is important for the ongoing viability of the business - which will then enable this building to continue to remain open to the public.

The extension to the dwelling also improves its 'liveability'. Currently, to use the private open space, residents walk through the utility room and down a set of stairs to access the garden. The new floor plan will improve the amenity and functionality of this area as the dining room will connect directly with private open space at ground level - this will provide a residents with a layout which is reflective of current standards.

The proposal also includes the construction of a studio and a garage. The garage will be accessed from Moore Lane. The provision of the studio above the garage is a sensible outcome to provide visual connection between the dwelling and a separate work area for the creation of artwork by the resident. (It is noted that the garage is not included in the definition of gross floor area, nor is basement storage.)

As stated previously, approval of the proposed development would result in a FSR of 0.75:1, yet the actual gross floor area is 177.8m². According to *ComSec – Economic Insights*, the size of an average Australian Home is 230.8m² – which indicates that even if the café area was incorporated as part dwelling, the actual building is modest in scale. Therefore, the FSR associated with the extension is not because the appetite for additions is excessive, but rather reflects the unusually small size of the lot.

Clause 5.10 of the LEP allows for conservation incentives to enable development which would otherwise not be permitted. It is considered that this section of the LEP is specifically included to allow this type of development to ensure that the ongoing functional viability of the site can continue but in line with current standards.

Objective (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,

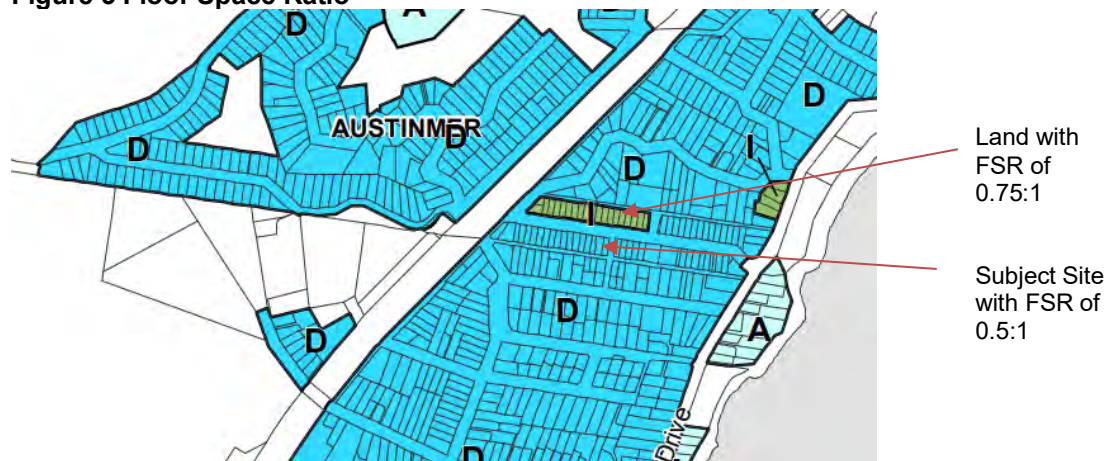
The density of the proposed development will have no impact on the provision of infrastructure to the site. The demand in infrastructure such as utilities will be imperceptible in the context of development in the area.

The proposed development will not generate any additional demands in the area which cannot be accommodated with regard to traffic movement within and through the site. Similarly, pedestrian traffic is well catered for in the area through the provision of adequate footpaths which service the shopping centre.

Objective (c) - to ensure buildings are compatible with the bulk and scale of the locality

Figure 3 shows that this site has an FSR of 0.5:1 – coloured blue and across the road land has an FSR of 0.75:1 – coloured green.

Figure 3 Floor Space Ratio



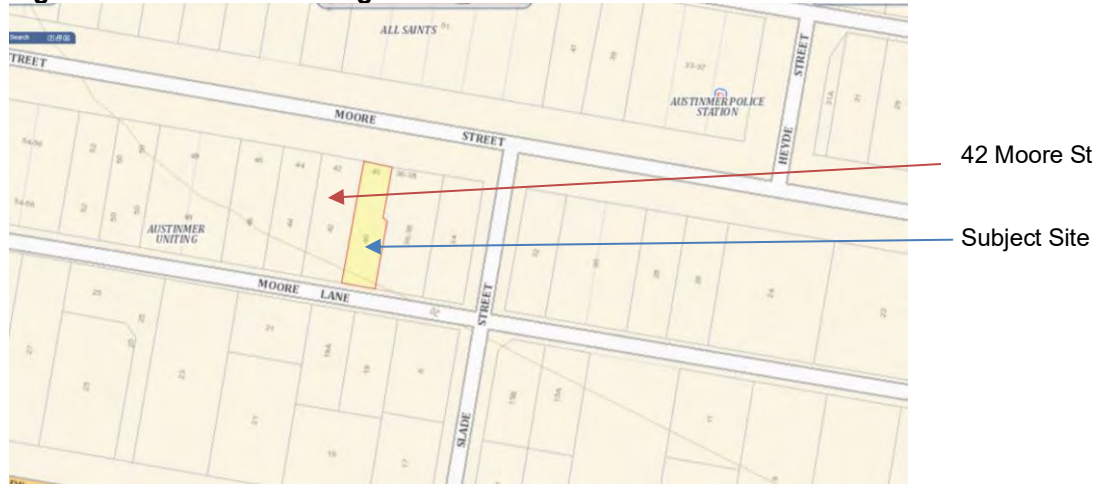
Source: www.wollongong.nsw.gov.au (Map23)

Arising from this, it is evident that the FSR that is proposed for the site of 0.75:1 is permitted across the road and is therefore compatible with other potential development in the area.

Figure 4 is a plan showing the lot shape of the area and it is evident that the subject site is narrower and smaller than the majority of lots in the area. No 42 Moore Street appears to be representative of the lot sizes and shapes along Moore Street. It has an area of 307m². The subject site is 'washed' in yellow.

Because the adjoining properties in the area are generally larger, they will be able to support more gross floor area. On this basis then, the actual size of this development is only slightly larger at 0.75:1 than what is permitted at 0.5:1 on adjoining properties. Arising from this, it is considered that the proposal will not visually dominate the area through its bulk or massing.

Figure 4 – Subdivision along Moore Street.



Source: Sixview

There are sufficient environmental planning grounds to justify contravening the development standard

There are two objectives for the R2 Low Density Residential and these are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

It is considered that the proposed development does not contravene either of these objectives. This is because one element of the proposal will be directly serving the needs of residents in that it will provide a local café for patrons to enjoy. The amendments to the proposed dwelling will serve to make it more functional

The primary quality of the area is the charm of the architecture which is recognised in the provisions of the LEP. It is considered the proposed development will not detrimentally impact on the capacity to use and enjoy this area.

The most significant impact of the development is the potential for overlooking and solar impact. However the impacts of both of these have been accommodated in the generous setbacks to side boundaries that are proposed – particularly given the narrow width of the lot. Furthermore, issues of overlooking have been minimised through the placement and location of windows so that views are primarily along the north south axis between the studio and the dwelling or through utilising sky light windows.

It is considered the proposed development will not result in an adverse impact on the amenity of the area through traffic generation or demand in infrastructure.

It is also evident that this extension has been carefully considered so that the proposal fits within the walls of the existing building.

1.3 Variation Justified

It is evident that compliance with the standard is both unreasonable and unnecessary in the circumstance of this case in that variations will not detrimentally impact the streetscape, which is considered the most important element of this area.

The proposed development however will enable the café and the house to function more efficiently, through this better layout, which means that the historical integrity of the site is maintained and perpetuated through the use of the site as shop top housing. It is considered that it is the intent of Council's heritage provisions to enable this circumstance.

The FSR permitted along the northern side of Moore Street is 0.75:1 so developing this site at this FSR is reflective of development which is available in the area and it is considered it would not be out of context.

It is considered the proposed additions have been respectful of neighbours through the generous setbacks that have been provided from side boundaries.

PROPOSED ALTERATIONS AND ADDITIONS

TO

40 MOORE STREET,
AUSTINMER, NSW

HERITAGE IMPACT STATEMENT



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Prepared for:

Helen and Wendell Boyd

October 2020

1.0 INTRODUCTION

1.1 THE BRIEF

The following report has been prepared to accompany a development application for alterations and additions to the existing property at 40 Moore Street, Austinmer, NSW. The report has been prepared on behalf of Helen and Wendell Boyd, the owners of the property.

1.2 THE STUDY AREA

The study area is Lot 1 in DP 1073935 at Austinmer, Parish of Southend and County of Cumberland (Figure 1.1).



Figure 1.1 The Study Area shaded

Source: Six Maps

1.3 LIMITATIONS AND TERMS

The report only addresses the European significance of the place. The terms *fabric*, *conservation*, *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation*, *compatible use* and *cultural significance* used in this report are as defined in the Australia ICOMOS Burra Charter.

1.4 METHODOLOGY

This report was prepared in accordance with the NSW Heritage Manual "Statements of Heritage Impact", "Assessing Heritage Significance Guidelines" and the Wollongong City Council guidelines for the preparation of heritage impact statements. The philosophy adopted is that guided by the Australia ICOMOS Burra Charter 2013.

1.5 AUTHORS AND ACKNOWLEDGMENTS

This report, including all diagrams and photographs, was prepared by John Oultram of John Oultram Heritage & Design, unless otherwise noted. Historical research was prepared by Nicholas Jackson. John Oultram Heritage & Design was established in 1998 and is on the NSW Heritage Office list of heritage consultants.

2.0 HISTORICAL DEVELOPMENT

2.1 SUMMARY

The shop with residence above at No. 40 Moore Street, Austinmer seems to have been built in 1934 for the Sivewright family, and designed by architect George Newton Kenworthy. The Sivewrights also owned the neighbouring shops and cottage behind at Nos. 36-38 Moore Street. Prior to 2004 all these properties comprised one land title.

2.2 AUSTINMER CONTEXT

Located within the Illawarra, the locality of Austinmer was granted in 1839 to Robert Marsh Westmacott (1801-1870). Westmacott's grant, comprising 300 acres, recognised an earlier land alienation made to William Chippendale in 1825 with possession given to Chippendale in 1830.¹ Born in England in 1801, Westmacott arrived in NSW in 1831 as Aide de Camp to Sir Richard Bourke, the incoming Governor of NSW. He held the rank of captain of the 4th (King's Own) Regiment of Foot from 1832.

Westmacott resigned from military service at the end of 1837 on the return of Bourke to England. Westmacott settled as a farmer in the Illawarra, having purchased Chippendale's grants in 1837 (these being the 300 acres and grants of 60 acres, 132 acres, and 50 acres situated to the north of the main land holding).²



Figure 2.1 Detail from the map of the parish of Southend depicting Chippendale's grant of 300 acres of 1825, later re-granted to Robert Marsh Westmacott in 1839. Not dated, but early 1830s

Source: State Archives NSW (MAP 358)

¹ NSW Government Gazette, 6/15/1839, p.689

² King, NS, 'History of Austinmer and Robert Marsh Westmacott in Australia', Illawarra Historical Society, 1964



Figure 2.2 Robert Marsh Westmacott's watercolour sketch of his 'cottage' at 'Bulli'.
Not dated

Source: State Library of NSW (DL PX53f.4a)

By 1840 Westmacott was hoping to mine coal deposits he had found within his Illawarra properties, and perhaps to raise the capital for this venture (for he pursued many others) in 1840 Westmacott mortgaged his farms to Robert Scott (1799?-1844) to raise 2000 pounds. With the economy of the colony collapsing in the early 1840s, Westmacott's estate was sequestrated in 1843,³ and his Illawarra farms became the property of Scott, with the 2000 pounds not having been repaid.⁴ Robert Scott died in 1844, and his executor, brother Helenus (1802-1879), sold Westmacott's farms in 1845 to John Wedderburn, then residing in Scotland, but formerly having been in the employ of the East India Company and stationed at Bombay.⁵ The Scott brothers were born in Bombay, and in NSW developed the Glendon estate near Singleton.

Wedderburn from the mid 1850s attempted to sell these farms,⁶ and in 1858 he succeeded in selling the 300 acres to farmer James Hicks for 600 pounds.⁷ The grant between the early 1840s and 1858 had been cut up into farms of between 50 and 75 acres worked by tenant farmers. By 1842 one of these small farms was occupied by the aforementioned James Hicks.⁸ Hicks (1810-1895) was born in Windsor in 1810 and settled on the tenant farm in 1842.⁹ From 1858 the grant was worked by Hicks and his family with the area being known as North Bulli. In the mid 1870s Hicks partitioned the farm between members of his family, and the area of present day Austinmer was given to son Henry Thomas Hicks (1837-1909). HT Hick's land comprised an area of 68 & 1/4 acres.¹⁰

³ NSW Government Gazette, 8/9/1843, p.1163

⁴ Old System Lease and Release (Conveyance) Book 5 No. 608

⁵ Old System Conveyance Book 10 No. 312

⁶ Advertising, Empire, 5/6/1856, p.7

⁷ Old System Lease and Release Book 58 No. 754

⁸ Advertising for the Bellambi Estate, Australian, 26/4/1842, p.4

⁹ 'Death of Mr J Hicks', Illawarra Mercury, 18/6/1895, p.2

¹⁰ Torrens Title Vol. 249 Fol. 33



Figure 2.3 Survey sketch plan of Henry Thomas Hick's farm at Austinmer from 1875.

Source: NSW Land Registry Services (Vol. 249, Fol. 33)

In 1886 HT Hicks sold his farm to The North Illawarra Coal Mining Company Ltd.¹¹ This company had commenced mining operations in the Austinmer area in 1884, and started to produce coal in 1886. The coal was shipped from a jetty at Hicks Point from 1887. The Company went into liquidation in 1891, but operations continued under other owners until 1895 when the coal reserves had been worked out and the mine was closed.¹²



Figure 2.4 Survey sketch plan of The North Illawarra Coal Mining Company's land at Austinmer from 1886.

Source: NSW Land Registry Services (Vol. 782, Fol. 151)

¹¹ Torrens Title Dealing 103880

¹² Information provided by Wollongong Library

Almost contemporary with the commencement of coal mining was the coming of the railway into the Illawarra. The station at Austinmer opened to traffic in September 1887, and it is located within The North Illawarra Coal Mining Company's land.

The North Illawarra Coal Mining Company aside from its core mining activities had other plans to develop the land at Austinmer. These included a proposal to build a village for its miners on the west side of the railway, and to establish a commercial and residential precinct east of the railway to the beach front to be developed by others. This was undertaken in the Austinmer Township land release of November 1887 in Deposited Plan 2111. This subdivision formed 74 building blocks fronting Moore Street.

In the first decades of the twentieth century Austinmer, with its ease of access by train and beach frontage, developed into a fashionable holiday resort, and with that came a proliferation of guesthouses.

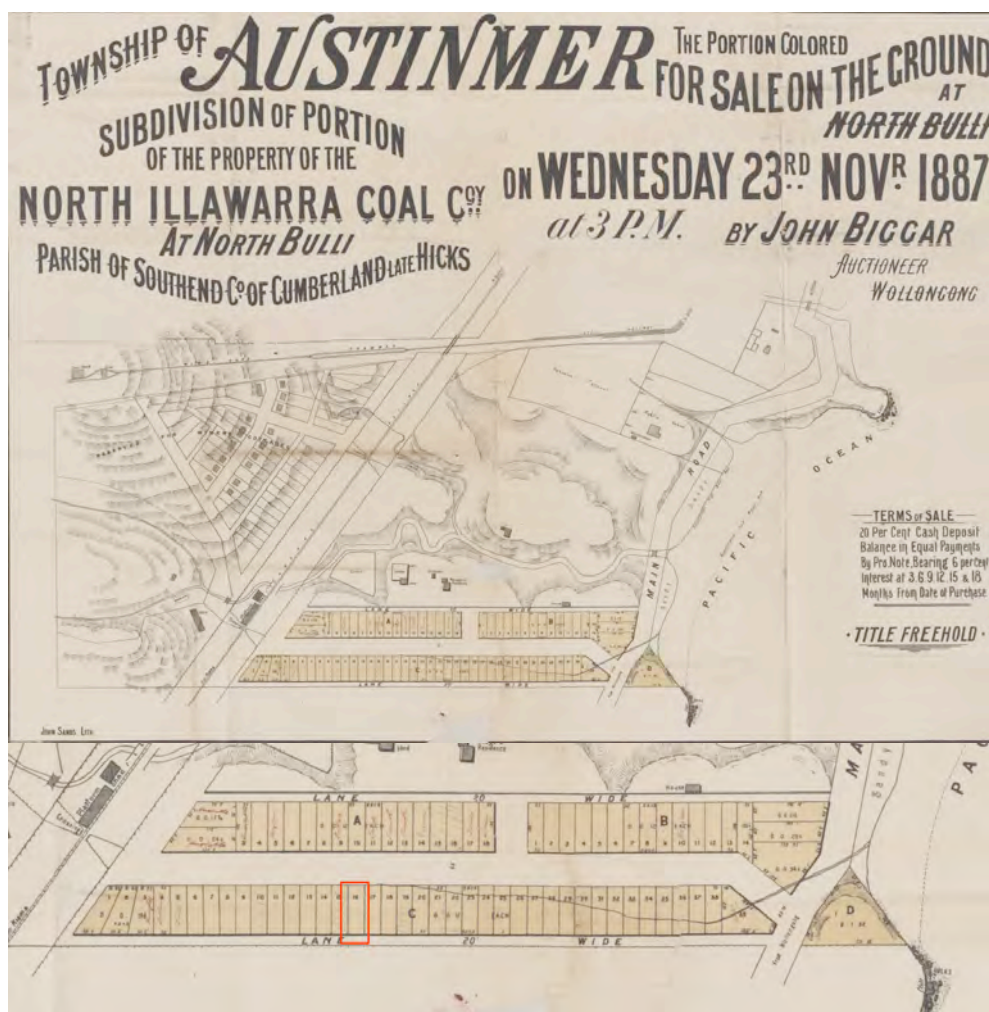


Figure 2.5 The plan of Township of Austinmer land release of 1887. This comprised a commercial and residential precinct subdivided in Deposited Plan 2111 with 74 building blocks available for sale. No. 40 Moore Street comprises Lot 16 in Section C of this land release

Source: National Library of Australia (232445893-1)

2.3 NO. 40 MOORE STREET

The allotment of 40 Moore Street was formed in the Austinmer Township land release of 1887. The allotment was purchased in 1912 by William Henry Redman from the vendors.¹³ Redman's purchase comprised Lots 16, 17 and 18 in Section C, with No. 40 Moore Street being within Lot 16. Whether Redman developed the allotments is not known, but possibly the shop within Lot 17 (Nos. 36-38 Moore Street) was built for him.



Figure 2.6 A Broadhurst commercial postcard photograph Moore Street, Austinmer, which possibly included the cottage at Nos. 36-38 Moore Street (circled). Not dated, 1910s

Source: State Library of NSW (a105026h)

In 1922 Redman sold Lots 16 & 17 (Nos. 36-40 Moore Street) to Joseph Sivewright and wife Elizabeth Maxwell Sivewright (1873-1951).¹⁴ Mr Sivewright (1878-1937) was a crane erector at Austinmer, but the Sivewrights seem to have erected (based on its appearance) the shop frontage of Nos. 36-38 Moore Street shortly after this purchase in 1922.

The Sivewright family owned the property until at least the mid 2000s:¹⁵ in their name initially, from 1959 in the name of William John King who in 1927 had married Marion (Minnie) Naismith Sivewright who had acquired a half interest in the property in 1947, and from 1985 by Mrs Betty Maxwell Brown (born King (1928-2018)) who had married Reginald Keith Brown in 1960. Throughout this period the shops were leased and no member of the Sivewright family were described as shop owners in the historical street directories and newspaper accounts with the exception for a time in the early 1930s when the Sivewrights were listed as operating a confectionary business at Austinmer.¹⁶

¹³ Torrens Title Dealing 645463

¹⁴ Torrens Title Dealing A7999174

¹⁵ Torrens Title Dealing D672100

¹⁶ Sands' Sydney and Country Directory for 1930. Wise's NSW Directory for 1935

The Sivewrights seem to have resided in the cottage behind the shops at Nos. 36-38 Moore Street for Mrs EM Sivewright died there in 1951 (then numbered 36 Moore Street).¹⁷

While Mrs EM Sivewright in 1929 was granted permission to pave the footpath in bricks in front her shops in Moore Street,¹⁸ the date of the building of the shop with residence above at No. 40 Moore Street occurred sometime later, in the 1930s, in the Sivewright ownership based on its appearance. In 1931 Mrs EM Sivewright was granted permission to subdivide (no subdivision was registered prior to 2004) her property in Moore Street proposing 'to lease part of the premises with a frontage of 21 feet 4&1/2 inches (6.514m), and to grant a right of way, about 4 feet (1.2m) between the buildings'.¹⁹

The 'subdivision' was for the purpose of erecting a new building, and this description could have applied to the development of No. 40 Moore Street. In 1934 architect George Newton Kenworthy (1885-1954) accepted a tender for the building of a 'shop and dwelling in Main (Moore?) Street, Austinmer'.²⁰ This possibly applied to the development of No. 40 Moore Street for later in 1934 Mr Sivewright lodged a claim to the local council for reimbursement of part of the cost of making new concrete kerbing and guttering (46 feet (14m) total) for his Moore Street property,²¹ an action indicative of new building development.

¹⁷ Deaths, *Sydney Morning Herald*, 3/5/1951, p.20

¹⁸ Bulli Shire Council, *South Coast Times*, 1/11/1929, p.7

¹⁹ Bulli Shire Council, *South Coast Times*, 10/7/1931, p.14

²⁰ Building and Construction, *Sydney Morning Herald*, 18/12/1934, p.3

²¹ Shire Engineer's Reports, *Illawarra Mercury*, 21/12/1934, p.4

3.0 PHYSICAL DESCRIPTION

An inspection of the property was carried out by John Oultram in June 2020 to ascertain its layout, condition and intactness from original construction. The current plans are shown in Figure 3.1.

3.1 EXTERNAL

40 Moore Street is a two storey, shop/residence in the Inter War Free style set on a long narrow block to the south side of the street. The building is reasonably intact to its original form and detail but has been altered at the rear and the ground floor converted to a café.

The building is in face brick (painted to the rear) with a hipped, corrugated metal roof (O). To the front is a shopfront and inset door divided by tiled piers (O). The shopfront has a metal framed, large format window with small highlights and a tiled base (O). The entry door is glazed with a glazed sidelight and fanlight (O & L). There is a suspended metal awning (O) above with a metal soffit and fascia (M).

The first floor is in face brick with a parapet to the street and is divided by brick piers. There is an arched opening to the south with multi coloured brick to the arch (O) and a projecting balcony faced in fibro (?). The wall beyond is in fibro with French doors to the residence (O) and the balcony has a timber floor (M) with a fibro soffit (O). The parapet has inset rendered panels (O).

The site rises to the rear and there is a single storey, brick addition to the rear with a skillion corrugated metal roof (L). To the side of this is a single storey lavatory block in fibro (L).

3.2 INTERNAL

Internally the building is divided into a café at the ground floor and a residence above. The residence is accessed from the rear via the side passage to the east where there are steps up to the higher level.

3.2.1 Ground Floor Café

The ground floor café extends under part of the first floor as the level rises to the rear. There is a seating area to the front with a service counter with a store room off to the east and a kitchen to the rear with an access door to the side passage.

Floors are in concrete (O). Walls are in plastered masonry with part height, blue and white tiling to the seating and service area (O). Ceilings are in plasterboard with coved cornices (M) apart for the store (former meat room) that has a fibrous plaster, vaulted ceiling (O). All internal doors have been replaced.

3.2.2 First Floor Residence

The upper floor residence is accessed through the rear utility room that opens to a kitchen a dining room with a short hall with a bathroom and bedroom off. The hall has a timber screen at the lounge. Beyond are the lounge room and a bedroom with the balcony off.

Floors are in polished timber (O) and tile (O). Walls are in plastered masonry (external - O) and fibro and battens (internal - O) with moulded timber skirtings and picture rails (O). Ceilings are in fibro and battens with small, timber cornices (O). The laundry has a sloping ceiling. Doors are four panel, high waisted timber with moulded timber architraves (O). The balcony has 15 pane, glazed doors (O). Windows are four pane, double hung timber sashes with a two pane sash to the bathroom (O). The residence has no fireplaces.

Moore Street is a partly commercial partly residential street lined with buildings for the late Victorian period onwards. To the east is a row of three, single storey, Inter War shops with parapets to the street. To the west is a row of single storey, Inter War houses.

O	ORIGINAL
L	LATER
M	MODERN

Figures 3.2 – 3.13



Figure 3.1 40 Moore Street Austinmer

Plans as existing

Source: realestate.com



Figure 3.2 40 Moore Street Austinmer
Front elevation



Figure 3.3 40 Moore Street Austinmer
Rear elevation



Figure 3.4 40 Moore Street Austinmer
Side passage



Figure 3.5 40 Moore Street Austinmer
Rear garden



Figure 3.6 40 Moore Street Austinmer
Ground floor cafe



Figure 3.7 40 Moore Street Austinmer
Ground floor cafe



Figure 3.8 40 Moore Street Austinmer
Kitchen



Figure 3.9 40 Moore Street Austinmer
Front balcony

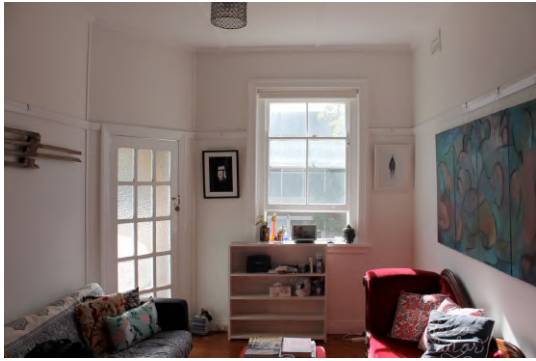


Figure 3.10 40 Moore Street Austinmer
Lounge



Figure 3.11 40 Moore Street Austinmer
Lounge



Figure 3.12 40 Moore Street Austinmer
Kitchen

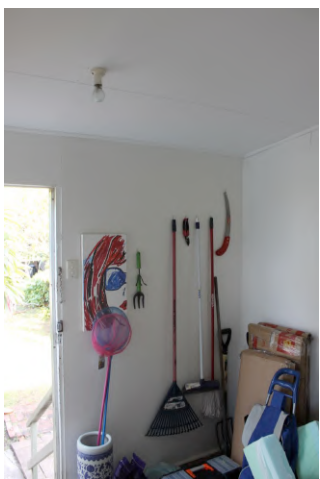


Figure 3.13 40 Moore Street Austinmer
Utility room

4.0 HERITAGE LISTINGS & CONTROLS

4.1 NATIONAL TRUST

The property is not classified on the Register of the National Trust of Australia (NSW).

4.2 HERITAGE DIVISION OF THE NSW DEPARTMENT OF PREMIER AND CABINET

4.2.1 State Heritage Register

Under the Heritage Act 1977 (as amended) the NSW Heritage Council, administered by the Heritage Division of the NSW Department of Premier and Cabinet, maintains the State Heritage Register (SHR), a register of items and places that are considered to have heritage significance at a state level. The subject property is not listed on the Register.

4.2.2 State Heritage Inventory

The Heritage Division also compiles the State Heritage Inventory (SHI), a collated database of all places listed on statutory heritage lists, including Local Environmental Plans. The property is listed on the Inventory as part of a row of shops at 34-40 Moore Street. The listing sheet (SHI 5062261) is attached as Appendix B.

4.3 LOCAL AUTHORITY

The local authority for the area is Wollongong City Council. The property is listed as a heritage item in Schedule 5 Part 1 of the *Wollongong Local Environmental Plan 2009* (as amended) (WLEP) as part of the row of shops at 34-40 Moore Street.

REF	ADDRESS	ITEM	RANKING
6509	34-40 Moore Street	Group of shops	Local

The property is within the Austinmer Heritage Conservation Area and is in the vicinity of heritage items at:

REF	ADDRESS	ITEM	RANKING
6507	48 Moore Street	Uniting Church	Local
6508	57 Moore Street	Shop and House	

The heritage provisions of the WLEP relating to the development of a heritage item in a conservation area and in the vicinity of a heritage item would apply.

Council may also take into consideration the heritage provisions of the *Wollongong Development Control Plan 2009* (WDPCP) that contains detailed objectives and controls for development in conservation areas.

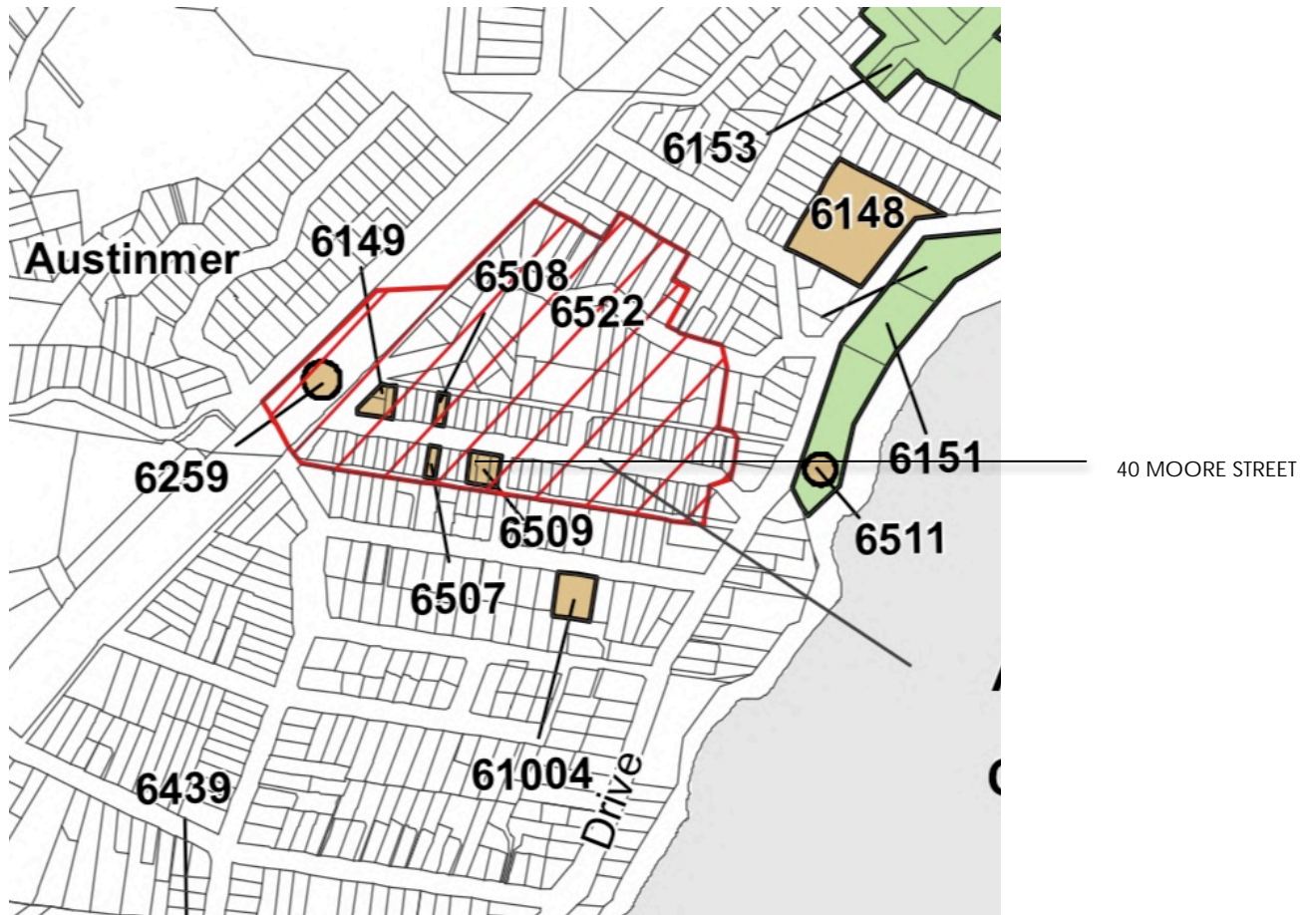


Figure 4.1 Wollongong Local Environmental Plan 2009 Heritage Map_023

Heritage items are coloured brown

Source: Wollongong City Council

5.0 DISCUSSION OF SIGNIFICANCE

The Heritage Office of New South Wales has issued guidelines as part of the NSW Heritage Manual regarding the assessment of heritage significance. The Manual is a well-regarded methodology for the assessment of cultural significance and is appropriate for application to the subject property.

5.1 HISTORIC SIGNIFICANCE

5.1.1 Historical Development

Criterion (a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
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40 Moore Street is a two storey, shop/residence built in 1934 for the Sivewright family. The building was possibly designed by architect George Newton Kenworthy. The site was purchased by Joseph Sivewright and his wife Elizabeth Maxwell Sivewright in 1922 along with the lot to the east at 36-38 Moore Street.

The pair developed the adjoining lot for shops shortly after purchase and appear to have lived in a cottage at the rear. The subject lot remained vacant till after subdivision of the lot in 1931 and the date of construction is based on a 1934 tender notice by Kenworthy for a shop and dwelling. The Sivewrights owned the property till the mid 2000s.

The site was part of the Austinmer Township land release of 1887 that coincided with the opening of a station at Austinmer. The land release was carried out by the North Illawarra Coal Mining Company to provide a village for its miners and a commercial and residential precinct east of the railway. The Company had purchased farmland in the area in 1886 from HT Hicks with the intent of expanding its mining operations though the coal reserves were worked out by 1895.

The area was originally part of the 1839 grant to Robert Marsh Westmacott that was later developed for farming.

The building signals the Inter War expansion of the township to serve the growing needs of the increasing residential population and its growing popularity as a tourist destination.

Local Significance.

5.1.2 Historical Associations

Criterion (b)	An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
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The place is most strongly associated with Joseph Sivewright (1878-1937) and his wife Elizabeth Maxwell Sivewright. Sivewright was a crane erector in Austinmer but no other biographical details were available.

The associations with the Austinmer Township would cover a large portion of the local area and is incidental.

Does not meet the criterion.

5.2 AESTHETIC SIGNIFICANCE

Criterion (c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
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The building is an example of a two storey, Inter War style shop/residence in the Inter War Free style with a handsome frontage to the street that includes an arched verandah that was commonly seen in retail developments from the Edwardian period onwards,

The building is largely intact in form, layout and detail including external wall tiling at the ground floor and internal tiling to the shop from its days as a butchery. The internal detailing to the residence is quite modest and the upper floor has no features of note. The building has small additions to the rear.

The building may have been designed by noted architect George Newton Kenworthy (1885-1954). Few biographical details were available though he was in partnership with John Stuart Traill from 1946²². His works include the Royal Hotel at Orange²³ (c. 1938), the Regent Theatre, Mudgee (1925), the Cremorne Orpheum Theatre (1934) and the house Parthenon at Robertson Road Centennial Park (1934)²⁴. However the attribution for the subject property is based on a tender call for an unidentified shop dwelling and cannot be verified.

The shop forms part of a row of four shops that form an interesting and important component of the local streetscape.

Potential Local Significance

5.3 SOCIAL SIGNIFICANCE

Criterion (d)	The item has strong or special association with a particular community or cultural group in NSW (or the local area) for social or spiritual reasons
---------------	---

Shops provide services and are often the focus of community activity and the place seems to have been used as a butcher's shop since construction. It would be well known locally but is likely to have special associations for the local community.

Local Significance.

5.4 TECHNICAL/SCIENTIFIC SIGNIFICANCE

Criterion (e)	An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
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There were no previous buildings on the site and the place has no archaeological potential. The construction techniques and fabric of the building are of no technical significance.

Does not meet the criterion.

²² Australian Institute of Architects (NSW) Biography of John Stuart Traill

²³ Australian Institute of Architects (NSW) Register of Significant Architecture in NSW

²⁴ NSW State Heritage Inventory

5.5 RARITY

Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
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The shop type is common in the area.

Does not meet the criterion.

5.6 REPRESENTATIVENESS

Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's Cultural or natural places; or Cultural or natural environments
	(or a class of the local area's: Cultural or natural places; or Cultural or natural environments)

The house is a modest representative example of its type.

Local Significance.

5.7 STATEMENT OF SIGNIFICANCE

40 Moore Street is an example two storey, shop/residence in the Inter War Free style built in 1934 for the Sivewright family.

The site was part of the Austinmer Township land release of 1887 that was carried out by the North Illawarra Coal Mining Company and which coincided with the opening of a station at Austinmer.

The building signals the Inter War expansion of the township to serve the growing needs of the increasing residential population and its growing popularity as a tourist destination. The shop forms part of a row of four that form an interesting and important component in the local streetscape.

6.0 THE CURRENT PROPOSALS

6.1 CURRENT PROPOSALS

The owners would like to alter and extend the building to improve its amenity and reflect the change of use to the ground floor to a café. The proposals are shown on Drawing Nos. 01 to 10 (inclusive, all revision C) dated April 2020 and prepared by Takt Studio for Architecture.

The proposals include:

6.1.1 Ground Floor

- Conversion of the store to a accessible lavatory
- Replacement counter
- Excavation to the rear to form a store
- New door opening to the kitchen
- New kitchen fitout

The kitchen will be brought up to current health and safety standards.

6.1.2 First Floor

- Demolition of the rear lean to's
- Bathroom refit
- Replacement rear wall
- New single storey extension
- Reconfiguration of the kitchen

The addition is in lightweight construction with a gabled metal roof set the main ridge to allow the rear hips to be retained. The floor is set at the garden level with steps up to the kitchen lounge. The rear facade is largely glazed.

6.1.3 Front Façade

- Replacement of the solid balustrade with open timber

The balustrade will be in simple, timber pickets with a bottom rail and balustrade.

6.1.4 Rear addition

- New garage, store and studio

The garage/studio is in lightweight construction with the studio set in a pitched roof form that follows the alignment and height of the rear extension.

6.2 EXTERNAL WORKS

- Re-landscaping to the rear garden

7.0 IMPACT OF THE PROPOSED DEVELOPMENT

7.1 GENERALLY

40 Moore Street is modest though robustly detailed example of a two storey, Inter War shop/residence. It has a well-detailed front elevation and is relatively intact to its layout and detail and retains much of its original fabric with the shop tiling signalling its uses as a butchery. The upper floor detailing is typical of the period.

The proposed works aim to conserve the primary form and detail throughout the building while upgrading the retail area its suit its new use as a café and provide for small extension to the rear to improve the amenity of the residence and its relationship with the rear garden.

7.2 DEMOLITIONS

7.2.1 First Floor

The rear skillions will be demolished along with the rear wall to the primary form. The rear skillions are both later elements of little significance and are crudely constructed.

The rear wall to the primary form is partly in brick and partly in lightweight construction and both sections will be removed to allow for the extension. The rear roof will also be largely removed. The walls and roof cannot be seen from the street and the changes will have no impact on elements of high significance. The new roof is set within the rear hips retaining these and allowing an appreciation of the previous form.

Importantly the works involve little change to the remainder of the ground and first floor

7.3 ALTERATIONS

7.3.1 Ground Floor

The former meat store will be converted to an accessible lavatory. There are few areas for this and the lavatory is sensibly placed and within the existing room configuration. The change is minor

Recommendation: The vaulted ceiling be retained.

The modern coffee counter will be replaced to suit but the change is minor. The kitchen does not comply with the OH & S requirements for commercial kitchens and will be refitted to allow for seamless finishes. The current kitchen is modern and the room has no features of note,

The space beyond the kitchen will be excavated for a store but the area is already an undercroft and the works will not alter the form of the building and are within the existing envelope. There is a new door to the kitchen but the change is minor. The place has no archaeological potential.

7.3.2 First Floor

The current balcony to the front appears to have been extended slightly over the awning. This will be retained as it is small element on the facade and provides a light touch to the upper floor. The detail of the existing balcony is not known and the original width is very small making the balcony almost unusable. The solid balustrade will be replaced with a simpler, and more sympathetic, timber balustrade with timber balusters and a timber handrail.

Overall the internal changes are very well considered and concentrated in the less intact sections of the residence and will retain the major rooms to the front largely as is including extant, internal fabric.

7.4 ADDITIONS

7.4.1 Residence Extension

There is a small extension to the rear at the first floor to provide some additional accommodation. The addition is in a gabled form but inset from the current side walls to allow the hips to the existing roof to remain, signal the earlier form and set the addition below the main ridge. The addition is in lightweight construction to signal its newness and contrast with the solidity of the original building.

The addition is set at the rear garden level with steps up to the existing levels to improve access to the garden that is reinforced by full height glazing to the rear to allow views to the private open space.

The addition will not be highly visible for the street and the current rear wing has a mish-mash of later, poor quality additions and the addition is well mannered in scale and detail.



Figure 7.1 View to the rear elevation from the rear garden

7.4.2 Garage/Studio

The property has a lane to the rear that is lined with garages and modern houses, some in a two storey form. It has none of the qualities of the front street.



Figure 7.2 View looking west along the rear lane



Figure 7.3 View to the house opposite the subject site across the rear lane



Figure 7.4 View to the two storey house at the corner of Slade Street and Moore Lane

The garage studio is in a similar form and height to the rear extension to the main building and is set well away from the existing building. It retains a garden to the rear of the property and will not be visible from Moore Street.

The rear garden has no historic features or plantings of note and will be re-landscaped. The change is neutral in heritage terms.

7.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009 (WLEP)

7.5.1 Impact on the Heritage Item

The property is listed as a heritage item as part of a row of shops at 34-40 Moore Street. The curtilages of each property in the item are its own lot boundaries that are well defined.



Figure 7.5 Shops at 34-38 Moore Street

34 Moore Street was built in 1919 as a Post Office and in an Art Nouveau style. 26-38 Moore Street is a pair of simple, Inter War shops with well-detailed shopfronts. All three sites were part of the purchase of Lots 16-18 by William Henry Redman in 1912 from the vendors but it is not known if the shops were built for him.

The listing sheet for the item (SHI 5062261) contains an assessment and statement of significance:

The shops at 34-40 Moore Street, Austinmer are of significance for the Wollongong area for historical and aesthetic reasons and as representative of the Federation period shops in the area. The shop at No 34, as former Post Office, has additional importance for the local community's sense of place. The shops are readily identifiable as historical buildings and present as having a good degree of integrity when viewed externally. Individually and collectively, the three buildings make a major and very important contribution to the townscape character and identity of the conservation area.

We would concur with this assessment.

The proposed works are largely internal or to the rear and no changes are proposed to the front elevation of the subject building apart from the replacement of the front balustrade to the balcony. The metal framing to the shop window will be cleaned of paint. The small, rear addition to the residence is set below the existing ridge height and will not be highly visible from the street. The garage/studio is set well to the rear.

The listing sheet contains management guidelines for the place:

	MANAGEMENT GUIDELINE	COMMENT
	Retain and conserve	Complies
	Alterations should not impact on the views to any of the buildings from publicly accessible areas	Complies
	Any fabric repairs should follow original details in form, material and finish. Intrusive balcony from No. 40 should be removed and original form of awning and railing restored	Complies. For balcony see Section 7.3.2 above
	In any eventual changes, original shopfronts should be protected and, where elements are missing, they should be reconstructed as opportunities arise	There are no elements to reinstate (see also above)
	Colours should also be modified to reflect original colour schemes	TBC
	There appears to be little potential for any future additions to properties or alterations to existing buildings, except potentially in rear areas of the interior.	The additions are to the rear and will not be highly visible from the street

We consider that the works will have no impact on the setting or significance of the item.

7.5.2 Impact on the Heritage Item in the Vicinity

7.5.2.1 Uniting Church

The property is in the vicinity of a heritage item at 48 Moore Street, an austere Inter War Church built in 1921.



Figure 7.6 The Uniting Church at 48 Moore Street

The listing sheet for the property (SHI 5062305) contains a statement of significance:

Austinmer Uniting Church is of significance for the local area for historical and aesthetic reasons, for social significance that it has for its congregation since 1921, and as representative of Interwar period church buildings. The building makes an important contribution to the streetscape and the conservation area and presents a local landmark when viewed from the street.

The Church is some way from the subject site and the major works are to the rear of the subject property and are not at a scale that would impact on the setting or significance of the item.

7.5.2.2 57 Moore Street

To the north west of the subject site across Moore Street is 57 Moore Street, a single storey, late Victorian house and shop.



Figure 7.7 57 Moore Street

The listing sheet for the property (SHI 5062275) contains a statement of significance:

The house with shop at 57 Moore Street is of significance for the Wollongong area for historical reasons and as a representative example of an early house with shop in this area. The house is readily identifiable as part of historical building stock and continues to contribute to the streetscape and the Conservation Area character.

The property is some way from the subject site and the major works are to the rear of the subject property and are not at a scale that would impact on the setting or significance of the item.

7.5.3 Wollongong Development Control Plan 2009 (WDCP)

Controls for heritage items in the vicinity are described in Chapter E11 Section 14, of the WDCP. These controls are addressed in the following table.

	OBJECTIVE/CONTROL	COMMENT
14	Development in the Vicinity of a Heritage Site	
14.2	Development Controls	
1	Development on land adjacent to or within the vicinity of a heritage item or a heritage conservation area should not detract from the identified significance or setting of the heritage building or the heritage conservation area.	See above
2	Where development is proposed adjacent to or within the vicinity of a heritage site or heritage conservation area, the following matters must be taken into consideration:-	
(a)	The character, siting, bulk, scale, height and external appearance of the development;	See above

	OBJECTIVE/CONTROL	COMMENT
(b)	The visual relationship between the proposed development and the heritage item or heritage conservation area;	See above
(c)	The potential for overshadowing of the adjoining heritage item or any building within a heritage conservation area;	See SEE
(d)	The colours and textures of materials proposed to be used in the development;	The car parking is off the rear lane and the development is largely to the rear where a garden will be retained
(e)	The landscaping and fencing of the proposed development;	A garden will be retained at the rear
(f)	The location of car parking spaces and access ways into the development;	Access is from the rear lane
(g)	The impact of any proposed advertising signs or structures;	N/A
(h)	the maintenance of the existing streetscape, where the particular streetscape has significance to the heritage site;	The streetscape will be maintained
(i)	The impact the proposed use would have on the amenity of the heritage site; and	The retail and residential use will continue
(j)	The effect the construction phase will have on the well being of a heritage building.	See SEE
3	Development in the vicinity of a heritage item should give strong regard to any significant views to and from the heritage item or heritage conservation area and any public domain area.	The proposal will have no impact on views
	Where subdivision is proposed in the vicinity of a heritage item, the impact of future development of the lots should be considered.	The development is not at a scale that would impact on future development

We consider that the works are not at a scale that would impact on the setting or significance of the items in the vicinity.

7.5.4 Impact upon the Conservation Area

The house is in the Austinmer Heritage Conservation Area that is described in Section 3.13 of Chapter D of the WDCP:

Austinmer is a leafy residential village which extends from the coastal strip right up to the slopes and foothills of the escarpment. Austinmer is a medium sized seaside village being slightly smaller than Thirroul but larger than other seaside villages to the north.

Austinmer is characterised by predominantly low density detached dwelling-houses with some medium density housing, restricted to the coastal part of the village. Detached dwelling-houses predominantly comprise of a mix of one to two storey weatherboard and brick dwelling-houses with pitched roof lines. Newer two storey contemporary styled consisting of rendered brick and weatherboard dwellings with varied roof forms have been constructed along both the coastal strip and upper slopes and foothills of the escarpment.

Moore Street is noted as:

...one of the first formed streets in the early twentieth century with pre-war style allotments that helped to create a new identity for Austinmer from a coal town to a seaside resort

WDCP Chapter D 4 p. 10.

The proposals are very well considered in both the treatment of the retained sections of the building and the scale and position of the rear additions that are set below the main ridge. All of the form and detail to the front elevation will be retained and most of the interior fabric to the shop and residence maintaining the contribution of the property to the conservation area.

As notes in Section 3.13 Desired Future Character:

Any new dwellings or major alterations and additions to existing dwellings should be designed to minimise the scale and bulk of the development through well-articulated building forms

The additions are not large, are to the rear and retain and signal the original form of the building. We consider that the proposals will have a very limited and acceptable impact on the conservation area.

7.6 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 (WDCP)

Heritage controls for development of heritage items and within heritage conservation areas are described in E11 of the WDCP. The proposals are assessed against the relevant heritage controls in the table below.

7.6.1 Heritage Items and Heritage Conservation Areas

	OBJECTIVE/CONTROL	COMMENT
11,2	Development Standards	
1	Any Development Application lodged for a proposed subdivision of land containing a heritage item or within a heritage conservation area will require a supporting site plan, subdivision plan and a Heritage Impact Statement and/or Conservation Management Plan.	This report
4	The Heritage Impact Statement must define an appropriate curtilage for any affected heritage item upon the subject site.	See Section 7.5.1
12	Alterations and additions to heritage listed buildings or buildings within heritage conservation areas	
12.2	Development Controls	
2	Scale	
	The scale and form of any building extension should not dominate the existing building, especially when viewed from the most significant elevations. The eave height, roof height, overall width and bay dimensions should not exceed those of the existing item. Where large extensions are proposed consideration should be given to a separate or pavilion style structure connected by way of a covered or enclosed walkway. For many of Wollongong's heritage items their modest scale contributes to their significance (e.g. Miner's cottages).	Complies. The garage/studio is a separate building at the rear of the property
3	Form	
	New extensions should be consistent with the existing building form with respect to roof type and pitch, verandah, facade rhythms, geometry of bay dimensions and the size, proportions and position of windows and other openings. However it should avoid complete imitation of the original, rather be of a simpler, contemporary design.	Complies
4	Architectural Detail	
	New extensions should not attempt to replicate the architectural or decorative detail of the original, so as to maintain a distinction between old and new.	Complies
5	Any alteration or addition to a heritage item should be designed to compliment the existing period style and character of the heritage item.	Complies. The additions are in a simple, pitched roof form in a contemporary manner

	OBJECTIVE/CONTROL	COMMENT
6	New additions or extensions to a building should be visually recessive and easily identified as being later work. Measures to achieve this include:	
(a)	The side walls of the extension should be setback or recessed to establish a break or rebate between the two;	Complies
(b)	The use of a lower roofline on the new additions to the building;	Complies
(c)	The use of different but complimentary building materials and colours; and / or	Complies
(d)	The use of 'lighter' building materials and construction for the new additions to the building (eg. timber extension to brick/stone dwelling).	Complies
9	Original roofing materials should be retained wherever possible, however if it can be demonstrated that the roofing is in need of replacement then the new roofing material is to match as closely as possible, the colour, texture and profile of the original material. The use of corrugated, galvanised steel in an unpainted finish or painted grey colour is the preferred replacement for corrugated iron. In recognition of our coastal location, more modern materials such as Colourbond may be considered in particular circumstances.	Complies
10	The materials, finishes and colours used in new extensions should compliment the heritage building, rather than trying to replicate the heritage item.	Complies
11	Colour schemes for heritage buildings should generally be compatible with the particular architectural period of the building.	TBC
12	Previously unpainted external surfaces should not be painted or rendered except in exceptional circumstances where this is considered an appropriate conservation measure.	Complies
13	Intrusive security measures such as roller shutters, window bars and the like are generally considered inappropriate for heritage buildings or buildings within heritage conservation areas.	Not proposed
15	Landscaping should be used as a means to screen or 'soften' a new addition or structure especially when viewed from the most significant elevations.	The garden to the rear will be re-landscaped but the additions will not be visible from the street

We consider the proposals comply with the heritage objectives and controls in the WDCP.

8.0 SUMMARY

8.1 SUMMARY

Overall we consider that the proposals are very well-considered and pay due regard to the heritage significance of the property. They are sensibly designed and are concentrated to the more altered sections of the residence with more intact sections of the residence and shop retained as is. The proposals retain the primary form and the major elevation to the street and the internal layout and detail to the front section.

The rear additions are well scaled and detailed and are set well below the main ridge and will not be highly visible from the street.

We consider that the works will not impact detrimentally on the significance of the place while considerably improving its amenity. The proposals are in line with the heritage objectives and controls in the WDCP and will have little impact on the surrounding conservation area and the heritage items in the vicinity.

In heritage terms, we would recommend that the proposals be approved.

A handwritten signature in black ink, appearing to read 'J. Oultram'.

JOHN OULTRAM

9.0 APPENDIX -OWNERS 1934-2004 WITH PREAMBLE

Auto Folio 1/1073935 (Source: NSW Land Registry Services)

Year	Owner
1839	18th October CROWN GRANT Parish of Southend 300 acres Robert Marsh Westmacott
1840	3rd & 4th March Lease and Release (mortgage of equity) 60 acres 132 acres 50 acres 300 acres From: Robert Marsh Westmacott and wife Louisa To: Robert Scott, Glendon, esquire 2000 pounds
1843	25th November BOOK 5 NO. 608 Conveyance 60 acres 132 acres 50 acres 300 acres From: Robert Marsh Westmacott, and others To: Robert Scott
1845	31st October BOOK 10 NO. 312 Conveyance 60 acres 132 acres 50 acres 300 acres From: Helenus Scott, Glendon, esquire To: John Wedderburn England
1858	29th November BOOK 58 NO. 754 Conveyance 300 acres From: John Wedderburn, England To: James Hicks, Bulli, farmer 600 pounds
1868	28th May CERTIFICATE OF TITLE Vol. 67 Fol. 171 300 acres James Hicks, North Bulli, farmer
1875	19th December Dealing 17294 Transfer of part Henry Thomas Hicks, Bulli, farmer
1876	3rd March CERTIFICATE OF TITLE Vol. 249 Fol. 33 68 acres 1 rood 0 perches Henry Thomas Hicks, Bulli, farmer

Year	Owner
1885	12th March CERTIFICATE OF TITLE Vol. 736 Fol. 82 68 acres 1 rood 0 perches Henry Thomas Hicks, Bulli, farmer
1886	28th January Dealing 103880 Transfer of part The North Illawarra Coal Mining Company Ltd
1886	27th March CERTIFICATE OF TITLE Vol. 782 Fol. 151 62 acres 3 roods 13&1/4 perches The North Illawarra Coal Mining Company Ltd
1887	Subdivision of part in Deposited Plan 2111
1891	24th July CERTIFICATE OF TITLE Vol. 1022 Fol. 158 62 acres 3 roods 13&1/4 perches (exclusive of sales in DP 2111) John Walter Grierson and William Beaumont, official liquidators of The North Illawarra Coal Mining Company Ltd
1894	9th February Dealing 245470 Transfer of part Jacob Carlos Jones, William Campbell, Matthew Green
1896	15th May CERTIFICATE OF TITLE Vol. 1190 Fol. 184 Unsold lots in DP 2111 Jacob Carlos Jones, Bellambi, esquire William Campbell, Austinmer, esquire Matthew Green, Austinmer, esquire
1898	5th March Dealing 282500 Transfer of part Jacob Carlos Jones
1898	4th October CERTIFICATE OF TITLE Vol. 1261 Fol. 184 Unsold lots in DP 2111 Jacob Carlos Jones, Bellambi, mine manager
	Below refers to Nos. 36-40 Moore Street
1912	16th February Dealing 645463 Transfer of Lots 16-18, Sec C, DP2111 William Henry Redman
1912	2nd March CERTIFICATE OF TITLE Vol. 2233 Fol. 12 Lots 16, 17 & 18, Section C, Deposited Plan 2111 36&1/4 perches William Henry Redman, Coledale, coal miner
1916	29th January Dealing A226237 Transfer of Lot18
1922	23rd March Dealing A7999174 Transfer of Lots 16 & 17 Joseph Sivewright and wife Elizabeth Maxwell Sivewright
1922	20th April CERTIFICATE OF TITLE Vol. 3304 Fol. 46 Lots 16 & 17, Section C, Deposited Plan 2111 24 perches Joseph Sivewright, Austinmer, crane erector, and wife Elizabeth Maxwell
1935	5th September Dealing C374542 Transfer Elizabeth Maxwell Sivewright

Year	Owner
1947	28th February Dealing D672100 Transfer Joseph Sivewright Minnie Naismith King
1947	18th November CERTIFICATE OF TITLE Vol. 5753 Fols. 82/83 Lots 16 & 17, Section C, Deposited Plan 2111 24 perches Minnie Naismith King, wife of William John King, Enfield, locomotive driver Joseph Sivewright, Thirroul, crane erector,
1959	24th September Dealing H294999 Transfer William John King, Brooklyn, gardener
1985	15th April Dealing V660724 Transfer Betty Maxwell Brown
2001	24th October Dealing 8033207 Lease Proprietors of the Cafe Gallery, ground floor, 40 Moore Street
2004	13th April Dealing AA339835 Transfer of lease
2004	November Subdivision of Lots 16 & 17 forming Lots 1 & 2 in DP1073935
	Auto Folio 1/1073935 not searched

10.0 HERITAGE LISTING SHEET

Heritage Division of the NSW Department of Premier and Cabinet

State Heritage Inventory Listing Sheet for the Group of Shops at 34-40 Moore Street, Austinmer (SHI 5062261)

Item details

Name of item:

Group of Shops

Other name/s:

Austinmer Post Office, former

Type of item:

Built

Group/Collection:

Commercial

Category:

Shop

Primary address:

34-40 Moore Street, Austinmer, NSW 2515

Local govt. area:

Wollongong City

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
34-40 Moore Street	Austinmer	Wollongong City			Primary Address

Statement of significance:

The shops at 34-40 Moore Street, Austinmer are of significance for the Wollongong area for historical and aesthetic reasons and as representative of the Federation period shops in the area. The shop at No 34, as former Post Office, has additional importance for the local community's sense of place. The shops are readily identifiable as historical buildings and present as having a good degree of integrity when viewed externally. Individually and collectively, the three buildings make a major and very important contribution to the townscape character and identity of the conservation area.

Date significance updated: 06 Feb 18

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the Department of Premier and Cabinet [copyright](#) and [disclaimer](#).

Description

Physical description:

Group of shops of similar age and form. No. 34 is a single storey individual shop with residence, built in red brick with rendered panes in "Art Nouveau" style curved-top parapet. It was built in 1919 as a Post Office, as indicated on the parapet. The ground level of the building (not including the parapet) is painted in intrusive green colour but retains its original shopfront and a separate entry to the presumed former residence. Markings of former awning are present. Nos. 36-38 are conjoined single storey shops with simple rectangular parapets with large rendered panes. The shops are in lighter brick with parapets in face brick, upper areas of the ground floor (under the awning) rendered and base tiled. The original shopfronts survive, complete with intact multi-paned tops and doors glazed above the lock-rail. Skillion awning is fitted to front, with gutters draining to the back. No. 40 is a double storey shop with residence above, with elements of Federation Free architectural style. The ground level has been modified but upper floor appears intact and presents with its arched balcony under tall parapet with emphasized corners giving it a tower effect. The side walls are in lighter brick. The group appears relatively unison when viewed along the street.

Current use:

Shops

Former use:

Shops; doctor's rooms; Post Office

History

Historical notes:

The first land grants in the area were made in 1816, but Austinmer was first settled in 1837. The property is part of Original Grant to captain R M Westmacott of 1839, and then Granted to James Hicks as part of his 500 acres Grant in 1868. It came in the ownership of Henry Hicks of Bulli, Farmer, in 1876 and was then part of the 62 acres transferred to the North Illawarra Coal & Mining Company in 1885 to form part of the Austinmer subdivision of 1888 (DP 2111).

No. 34: It is a c. 1919 Post Office with attached dwelling. Since 1985 it has had various changes in use, including from solicitors offices to beauty treatment and massage parlour in 1998, and an antique shop approved in 2000.

Nos. 36-38: In 1979, the conjoined shops owned by M Shipton were altered as a pair of toilets was added at the rear. At the time, No. 36 was used as doctor's rooms, No. 38 as grocery, and No. 40 as butchers shop. In 1988, the conjoined shops formerly used as doctors rooms were approved for use as framing and arts supply shop. In 1996, this was changed to use as art gallery. Currently, the premises comprise a clothes shop.

No. 40 is a shop with flat above. The awning was modified in 1998, and the shop was converted from butchers' to a cafe in 2000. New fire exits in lateral wall were approved in 2006. (LTO CT Volume-Folios: 15366-35 and 6749-190).

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
3. Economy- Developing local, regional and national economies	Commerce-Activities relating to buying, selling and exchanging goods and services	Supplying retailing and financial services-
4. Settlement- Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Subdivision and Urban Development in the Illawarra-
4. Settlement- Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	Maintaining a postal network-

Recommended management:

Retain and conserve. Alterations should not impact on the views to any of the buildings from publicly accessible areas. Any fabric repairs should follow original details in form, material and finish. Intrusive balcony from No. 40 should be removed and original form of awning and railing restored. In any eventual changes, original shopfronts should be protected and, where elements are missing, they should be reconstructed as opportunities arise. Colours should also be modified to reflect original colour schemes. There appears to be little potential for any future additions to properties or alterations to existing buildings, except potentially in rear areas of the interior.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Group of Shops	6509	26 Feb 10	2010-76	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Review of heritage items in Wollongong LGA	2013	6509	Zoran Popovic	Zoran Popovic	Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

Name:

Local Government

Database number:

5062261

Attachment 5: WDCP 2009 compliance table

CHAPTER A1: INTRODUCTION

The proposal seeks a variation to WDCP 2009 Chapter B3 part 4.2 Floor space ratio and maximum density. The variation request is discussed below and in the Assessment Report and is considered capable of support in this instance.

CHAPTER A2: ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

CHAPTER B1: RESIDENTIAL DEVELOPMENT

This Chapter applies to all residentially zoned land in the LGA. Section 4 provides general residential controls which apply to all dwelling houses, dual occupancies, secondary dwellings, ancillary structures and semi-detached dwellings. Additional Mixed Use controls are detailed below in Chapter B3.

4. General Residential controls

Controls/objectives	Comment	Compliance
4.11 Storage Facilities	The proposed development will provide adequate storage within exiting dwelling.	Existing
4.12 Site Facilities	Existing site facilities and are acceptable in this circumstance.	Existing
4.13 Fire Brigade Servicing	A hydrant is proposed to be provided on site, as indicated on the submitted plans at Attachment 1. A condition is also recommended in this regard, as provided at Attachment 6.	Yes
4.14 Services	The site has access to existing utility services. Draft conditions are recommended with regard to services.	Yes
4.15 View sharing	Submissions were received regarding view impacts and additional information sought. A view impact assessment was provided and a street analysis regarding built form in the laneway and a view impact analysis from rear dwellings are shown in attachment 1. The principals of view sharing are considered achieved.	Yes
4.16 Retaining walls	No retaining walls are proposed.	N/A

CHAPTER B3: MIXED USE

4. Design Requirements Mixed Use Buildings

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Minimum Site Width	The existing lot width 14.5m does not comply with the requirements of this clause however the existing Shop top was established prior to the subdivision and creation of this lot.	Existing
4.2 Maximum Floor Space Ratio / Density	A departure from the development standard relating to the FSR for the site has been submitted. This is further discussed in the assessment report. The variation request is considered capable of support in this instance.	Variation request capable of support.
4.3 Building Height	Existing building height – 8.3m Proposed building height – 5.8m The maximum height limit is 9m. The proposed new building complies.	Existing Yes
4.4 Front Setbacks	Existing front setback no proposed change.	Existing
4.5 Side and Rear Setbacks / Building Separation	Existing setbacks to the front Shoptop housing structure. Side separation is limited from adjoining buildings however upgrades regarding the BCA/NCC have been considered by Council NCC Officer. The rear setback to the proposed garage and studio is 900mm. While this is a variation to the 6m setback in Chapter B3 Mixed Use and the 8m setback to Chapter B1 Residential Development the application seeks reliance on Clause 20.7.3 of Chapter E11 Heritage Conservation. Clause 20.7.3 lists development controls for Moore Street and the conservations areas within Austinmer. Clause 20.7.3. B ii) Maintain an appropriate setback that is sympathetic to the existing alignment of the significant and contributory buildings elsewhere in the conservation area. Comment – A laneway building height and setback analysis provided demonstrating the proposed setback is similar to existing building setbacks on Moore Lane. Clause 20.7.3.K ii) Moore Street garages should be located at the rear with laneway access. No new main street garages should be permitted.	Yes Technically non-compliant reliant on Chapter E11 Heritage Conservation

	<p>Comment – The proposed garage is located to the rear on Moore lane.</p> <p>Clause 20.73. O. New development i) Development generally should be sympathetic and respect the form and dominant character of the respective streetscape within the conservation area.</p> <p>Comment - A laneway building height and setback analysis provided demonstrating the proposed setback is similar to existing building setbacks and styles on Moore Lane.</p>	
4.6 Built Form	The existing building fronting Moore Street is a heritage listed building. The built form is considered compatible with the existing streetscape. The new rear building has been designed to be a more modern design with consideration given to the heritage context of the site and area. Considered satisfactory.	Yes
4.7 Active Street Frontages	Existing active shop front on street level.	Existing
4.8 Awnings	The site has an existing awning over Council footpath fronting Moore Street. No proposed change.	Existing.
4.9 Car Parking	Currently the site has no formalised parking for the residential or café use. The proposal includes a formal single car garage to the rear. Due to the width and size of the site this is considered satisfactory.	Yes
4.10 Basement Car Parking	N/A	N/A
4.11 Driveways	Proposed new driveway to rear single car garage proposed.	Yes
4.12 Landscaping	The proposed landscaping is considered suitable considering the site constraints.	Yes
4.13 Communal Open Space	N/A	N/A
4.14 Private Open Space	New proposed POS area situated between the existing and proposed new rear garage and studio. Considered satisfactory and well connected to living spaces.	Yes
4.15 Solar Access	Solar diagrams have been provided and elevation view shadow diagrams in response to additional information sought. Solar access is considered	Yes
4.16 Visual privacy	It is considered the addition and detached outbuilding have been designed in a way to provide appropriate visual privacy for future occupants, adjoining and to rear lots.	Yes

4.17 Acoustic privacy	It is considered the addition and detached outbuilding have been designed in a way to provide appropriate acoustic privacy for future occupants and adjoining lots.	Yes
4.18 Adaptable and Universally Designed Housing	Existing single dwelling on upper floor of heritage listed building. The proposal does not trigger the requirement for adaptable housing.	N/A
4.19 Residential Component - Apartment Mix and Layout	N/A	N/A
4.20 Natural Ventilation	The existing dwelling provides a range of ventilation methods. Due to site constraints and the location of the existing building the proposed addition is limited in options. Existing ventilation is provided through windows in the existing building.	Existing
4.21 Adaptive Re-use	N/A	N/A
4.22 Crime Prevention Through Environmental Design (Safety and Security)	The proposal is considered satisfactory in this regard.	Yes
5 GENERAL REQUIREMENTS FOR ALL MIXED USE DEVELOPMENT		
5.1 Floodplain Management	Reviewed by Council and the location of the listed flood affectation is not impacted by the proposed alteration and additions.	Yes
5.2 Land Re-Shaping Works (Cut and Fill Earthworks)	Minor earthworks proposed and conditions imposed in any consent issued.	Yes
5.3 Retaining Walls	No retaining walls are proposed.	N/A
5.4 Soil Erosion and Sediment Control	Included as a condition of consent.	Yes
5.5 Fences	New fencing and fence upgrades indicated on plans and considered satisfactory. Fence details have been included in conditions of consent.	Yes
5.6 Access for People with a Disability	Upgrades relating to the café use would improve access for people with a disability. Considered satisfactory.	Yes
5.7 Services	The site is already serviced.	Yes
5.8 Swimming Pools	N/A	N/A
5.9 Fire Brigade Servicing	Existing	Existing
5.10 Site Facilities	Existing site facilities which may be upgraded as a result of the development proposal.	Yes
5.11 Storage Facilities	Considered satisfactory storage is provided for both uses on the site.	Yes

CHAPTER D1: CHARACTER STATEMENTSAustinmer*Existing Character*

Austinmer is a leafy residential village which extends from the coastal strip right up to the slopes and foothills of the escarpment. Austinmer is a medium sized seaside village being slightly smaller than Thirroul but larger than other seaside villages to the north.

Austinmer is characterised by predominantly low density detached dwelling-houses with some medium density housing, restricted to the coastal part of the village. Detached dwelling-houses predominantly comprise of a mix of one to two storey weatherboard and brick dwelling-houses with pitched roof lines. Newer two storey contemporary styled consisting of rendered brick and weatherboard dwellings with varied roof forms have been constructed along both the coastal strip and upper slopes and foothills of the escarpment.

Brush box street trees also line some streets in Austinmer which add to its leafy village character.

Austinmer also contains a number of items of environmental heritage including a number of Norfolk Island Pines along Austinmer Beach and North Austinmer Beach, Glastonbury Gardens, Austinmer railway station, a group of shops in Moore Street as well as several significant dwellings. Austinmer Heritage Conservation Area is divided into three (3) distinct precincts, namely Moore Street, The Grove and Hennings Lane. Moore Street was one of the first formed streets in the early twentieth century with pre-war style allotments that helped to create a new identity for Austinmer from a coal town to a seaside resort. This street connected the railway station to the main tourist attraction, being Austinmer beach. The Grove represents the continuing growth of Austinmer. The presence of palm trees and the mixture of tropical and native vegetation also demonstrates the importance this street played in setting the new identity of Austinmer as a seaside village during the 1920's and 1930's. Hennings Lane provides access to the large dwelling known as 'Rathane' as well as providing rear lane access to the properties fronting either Moore Street or The Grove.

A small retail and business centre is contained along Moore Street as well as a small retail strip along Lawrence Hargrave Drive. This provides for the daily convenience needs of the surrounding population. Higher order retailing and business services are provided at Thirroul and Corrimal town centres and Wollongong City Centre.

Desired Future Character

The village atmosphere of Austinmer should be retained, and the existing retail centre should remain relatively 'low key'.

Austinmer should retain its low density leafy seaside character and any new residential development should not dominate the scenic environmental quality of the coastal strip and forested escarpment. Dwellings should be generally one to two storeys in height and be designed to retain the nature attributes of the immediate locality.

Any new dwellings or major alterations and additions to existing dwellings should be designed to minimise the scale and bulk of the development through well-articulated building forms. Individually designed dwellings with weatherboard or Colourbond facades with lighted coloured or light or mid grey finishes are preferred for properties along the coastal strip. The rooflines for dwellings along the coastal strip may either be flat, curved or gently pitched, depending upon existing view sheds from neighbouring properties. In some cases, split-level or varied setbacks for two storey dwellings and sloping flat or gently pitched roof forms may be necessary, to maximise view sharing opportunities for neighbouring dwellings.

The impact of upper storeys of a dwelling should also be minimised through a combination of additional front and side setbacks from the ground floor of the dwelling and the selective use of balconies and verandahs.

For properties within the treed areas near the escarpment, face brick dwellings with pitched tile or Colourbond rooflines in muted earthy colour finishes are preferred.

Where front or rear facades of new dwellings are likely to be higher than neighbouring dwellings, the screening of balconies and additional setbacks may be necessary, to minimise any potential privacy or amenity impacts.

Some medium density housing types (i.e. townhouses and villas) may occur along the coastal strip provided such developments are designed to reflect the natural attributes of the particular locality and to maximise view sharing opportunities for dwellings upon neighbouring properties.

New or improved pedestrian and / or bicycle links may be considered as part of the future precinct planning for Austinmer, which may include a possible link between the railway station and Austinmer beach.

Comment -

It is noted the desired future character relates predominantly to new dwellings and this proposal is an alteration and addition. The proposal, however, is not considered to be incompatible with the context and setting or existing and future desired character of the Austinmer area.

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

There is currently no formal parking only an existing rear unformed car parking space accessed from Moore Lane. The proposed garage and driveway area will provide parking for one car and storage. Council's Development Engineering Officer has reviewed the proposal and provided satisfactory comment regarding parking. The existing café utilises on street parking which is not proposed to change.

CHAPTER E6: LANDSCAPING

Additional landscaping is proposed to afford separation and privacy to the proposed POS area. The landscaping proposed is considered satisfactory and landscaping requirements will be included as a condition of consent.

CHAPTER E7: WASTE MANAGEMENT

There is currently no formal bin storage for the café and bin collection occurs from Moore Lane. The proposal includes formal access to Moore Lane from the café and a bin storage area. No foreseeable change to the ongoing operational waste arrangement Council's Development Engineering Officer has provided satisfactory referral comment. Waste management during construction will be included as a condition of consent. See Attachment 6.

CHAPTER E11 HERITAGE CONSERVATION

The site contains a heritage listed building with which the proposal relates. It is also situated within a heritage conservation area and in the vicinity of several other heritage items. The application has been reviewed by Council's Heritage Officer. The proposed development satisfies the objectives of WDCP2009 Chapter E11 Environmental Conservation. As noted above the application seeks reliance on heritage controls taking precedence in this instance regarding rear boundary setbacks.

Appropriate conditions have been recommended and shall be imposed on the consent.

CHAPTER E13 FLOODING

The application has been reviewed by Council's Development Engineering Officer in relation to flooding affectation which is contained to the front of the site. No conditions were recommended in this regard.

CHAPTER E14 STORMWATER MANAGEMENT

The application has been reviewed by Council's Development Engineering Officer in relation to stormwater management. The proposed development satisfies the objectives of WDCP2009 Chapter E14 Stormwater Management. Appropriate conditions have been recommended and shall be imposed on the consent. For Council's Stormwater Officers response please see section 1.6.1 Internal Consultation of this report.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Minor earthworks are proposed to the rear of the site and conditions regarding soil erosion are included as conditions of consent.

CHAPTER E20 CONTAMINATION LAND MANAGEMENT

Minor earthworks are required as the proposal includes excavation to the lower level. The proposal does not comprise a change of use of the site for commercial and residential purposes, Council records do not indicate any history of contamination on the site. As such it is considered Clause 7 matters of SEPP 55 are satisfied.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The application submission proposes partial demolition of elements of the existing building on the site. A Site Waste Minimisation Plan, including waste removal was included in the application submission and will be included as a condition of consent. See Attachment 6.

ATTACHMENT 6 - CONDITIONS OF CONSENT: DA-2020/1274

Approved Plans and Documents

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing 05 to 12, 18 and 27 dated 20 March 2021 prepared by TAKT Studio for Architecture 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 **Maintenance of Access to Adjoining Properties**
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.
- 5 **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.
- 6 **Design and Construction of Food Premises**
Any new work undertaken within the food preparation, handling and storage areas must be constructed and fit out to comply with *AS 4674/2004: Design, Construction and Fit-Out of Food Premises* requirements.

Prior to the Issue of the Construction Certificate

- 7 **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 \$3,260.00 (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	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1282000	<ul style="list-style-type: none">• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none">• 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

8 **Fire Safety Upgrade (Construction Certificate)**

Prior to the issue of a Construction Certificate, all key compliance matters detailed in the National Construction Code Series Capability Statement prepared by Accredited Building Certifiers dated 29 March 2021, must be considered and implemented/incorporated into the Construction Certificate documentation to the satisfaction of the Certifying Authority.

9 **Heritage – Interpretation Signage**

The applicant is to prepare brief interpretative material to be included on a small sign or plaque either externally, on the brick fence along Moore Lane or in a visible internal location within the building. The sign should include the age of the building and the significance of the Heritage item. More information can be found on the State Heritage Inventory:

<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=5062261>

Details, size and proposed location of the sign should be provided to Council's Heritage Staff for approval prior to release of Construction Certificate.

10 **Building Code of Australia – Fire Safety Upgrade**

The following information will be required to be detailed on the plans or supporting documentation to the Principal Certifier, prior to the issue of the Construction Certificate. This condition relates to fire safety upgrade considerations under Clause 94 of the Environmental Planning & Assessment Regulation 2000 and relates to the Building. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 1.

- Portable fire extinguishers in accordance with Part E1.6 of the National Construction Code Series Volume 1 (BCA) and Australian Standard AS 2444.
- Lightweight Construction in accordance with Part C1.8 of the National Construction Code Series Volume 1 (BCA).
- Smoke Hazard Management system to the 1st Floor Level (residential) in accordance with Part E2 of the National Construction Code Series Volume 1 (BCA).

The above fire safety measures must be installed within the building to a standard of performance not less than that specified in this condition and included on the fire safety schedule.

11 **Present Plans to Sydney Water**

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

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

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

12 **Schedule of External Building Materials/Finishes**

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) shall be in accordance with the approved external finish plan/s and shall be reflected on the Construction Certificate plans.

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

14 **Construction Management Plan**

The submission of a Construction Management Plan is to be submitted to the Principal Certifier prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties and traffic management of construction vehicles.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a proposed ingress and egress points for vehicles to/from the construction site;
- b proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- c proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- d proposed method of loading and unloading building materials formwork and the erection of any part of the structure within the site;
- e proposed areas within the site to be used for the storage of construction materials and waste containers during the construction period.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

15 **Structures Adjacent to Driveway**

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

16 **Landscaping**

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part

of this consent) for the approval by the Principal Certifier, prior to the release of the Construction Certificate.

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

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

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

18 **Appointment of Principal Certifier**

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

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

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

19 **Residential Building Work – Compliance with the Requirements of the Home Building Act 1989**

Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates:

- a in the case of work to be done by a licensee under that Act:
 - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - ii is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the persons name, contact address details and owner-builder permit number; and
 - ii has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given

appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

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 **Temporary Toilet/Closet Facilities**

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

Each toilet provided must be:

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

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

22 **Enclosure of the Site**

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

23 **Demolition Works**

The demolition of the existing building elements 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. 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.

24 **Demolition Notification to Surrounding Residents**

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

25 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

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

26 **Waste Management**

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

27 **Tree Protection and Management**

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

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

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

28 **Dilapidation Report**

A dilapidation report shall be submitted to the Principal Certifier prior to the commencement of works or demolition. The dilapidation report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots and adjoining properties.

The report shall outline measures for the protection of existing public and private infrastructure, buildings and structures during the works and include a detailed description of elements and photographic record.

Any damage to infrastructure items and/or property which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

29 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

30 **Protection of Public Infrastructure**

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

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

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

31 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

32 **Access**

The owner is responsible for facilitating formal access from the proposed garage to the laneway in accordance with Council requirements. Unless otherwise approved in writing by Council's Construction Compliance Coordinator.

33 **Piping of Stormwater to Existing Stormwater Drainage System**

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

34 **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.

35 **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.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

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

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

36 **Provision of Waste Receptacle**

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

37 **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A (2) of the Environmental Planning & Assessment Regulation 2000. A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

38 **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. 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.

39 **Fences**

Any alteration of boundary fencing shall be done in consultation with adjoining property owners impacted.

Prior to the Issue of the Occupation Certificate

40 **Fire Safety Upgrade (Occupation Certificate)**

Prior to the issue of an Occupation Certificate, all key compliance matters detailed in the National Construction Code Series Capability Statement prepared by Accredited Building Certifiers dated 29 March 2021, must be complete to the satisfaction of the Registered Certifier.

41 **Smoke Hazard Management**

Prior to the issue of an Occupation Certificate, install a smoke hazard management system throughout the residential part of the existing Building in accordance with Part E2 of the National Construction Code Series Volume 1 (BCA).

42 **Portable Fire Extinguisher**

Prior to the issue of an Occupation Certificate, install portable fire extinguishers throughout the existing building where required in accordance with Part E1.6 of the National Construction Code Series Volume 1 (BCA) and Australian Standard AS 2444.

- 43 **Heritage Interpretation Works – Signage**
Prior to the release of the Occupation Certificate, the developer is to install the interpretive sign, as detailed in the endorsed by Council’s Heritage Staff.
- 44 **Completion of Landscape Works**
The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.
- 45 **BASIX**
An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the final Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.
- 46 **Hand Basin(s) and Hand Towels**
A suitable number of hand basins must be provided in accessible and convenient locations within all food handling areas and in or adjacent to toilet facilities used by food handlers. Hand basins must be freestanding and serviced with hot and cold water which can be mixed at a temperature of at least 40°C through a single outlet (AS 4674/2004 – Section 4.4).

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

Soap and single-use towels from a wall-mounted dispenser must be provided adjacent to each hand basin. Air dryers installed as the sole means of drying hands are not permitted (AS 4674/2004 - Section 4.4).
- 47 **Doors**
Doors to the internal toilet and air lock must be fitted with a self-closing device. Toilet and air lock doors must not be able to be held in an open position (AS 4674/2004 – Section 5.2).
- 48 **Storerooms**
Storerooms must be constructed in accordance with Section 3.2 of AS 4674/2004. Shelving or storage racks must be impervious and constructed to enable easy cleaning.
- 49 **Storage Facilities**
Sufficient facilities must be provided for the storage of cleaning materials, office materials, employees’ clothing and personal belongings (AS 4674/2004 – Section 5.1).

Operational Phases of the Development/Use of the Site

- 50 **Use of Studio and Garage**
The Studio and Garage have been approved for use in conjunction with the existing dwelling and shall not be used for separate residential, commercial or industrial purposes.
- 51 **Loading/Unloading Operations/Activities**
All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

Reasons

The reasons for the imposition of the conditions are:

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