

# Wollongong Local Planning Panel Assessment Report | 23 May 2023

<b>WLPP No.</b>	Item No.2
<b>DA No.</b>	<b>DA-2022/1250</b>
<b>Proposal</b>	Industrial - construction of building and fencing
<b>Property</b>	1 Kennedy Avenue YALLAH NSW 2530
<b>Applicant</b>	Rebecca Goodman Town Planning Pty Ltd
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (EM)

## Assessment Report and Recommendation

### Executive Summary

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#### Reason for consideration by Regional Planning Panel Local Planning Panel

The proposal has been referred to Local Planning Panel for advice pursuant to Council's Local Submissions Policy as the application received 7 submissions.

#### Proposal

The proposal is for the construction of an industrial building comprising two storeys and seven car parking spaces, with associated boundary fencing and landscaping.

#### Permissibility

The site is zoned E4 – General Industrial pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as light industrial and is permissible in the zone with development consent.

#### Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan originally between 9 December 2022 and 16 January 2023 and a total of seven (7) submissions were received, including a petition which received twenty-one (21) signatures. Amended plans and documents were renotified between 14 March 2023 and 28 March 2023 and seven (7) submissions were received. It is noted that similar submitters and their respective submissions raised similar issues to the originally notified application. These are discussed at section 1.5 of the assessment report.

#### Main Issues

- Submissions as discussed in section 1.5 of this report.

#### RECOMMENDATION

DA-2022/1250 be approved subject to the conditions at **Attachment 4**

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

#### **Planning controls and compliance**

The following planning controls apply to the proposal:

##### State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Industry and Employment) 2021

##### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

##### Development Control Plans:

- Wollongong Development Control Plan 2009

##### Other policies

- Wollongong City Wide Development Contributions Plan 2022
- Wollongong Community Participation Plan 2019
- Planning for Bushfire Protection 2019

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

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

The proposal seeks consent for the following:

- Construction of a double-storey industrial building
- Seven (7) car parking spaces
- Associated boundary fencing and landscaping

The end use of the industrial building is not known & will be subject to separate approval.

### **1.3 BACKGROUND**

- DA-2016/16 – Subdivision – Torrens Title – Thirty-one (31) industrial lots
- DA-2016/16/A - Subdivision - Torrens title - Thirty-one (31) industrial lots Modification A - correct development description to read 30 lots and phased development
- DA-2016/16/B - Subdivision - Torrens title - thirty (30) industrial lots - phased development Modification B - consolidation of Lots 21-30 and change to description - 21 industrial lots
- SC-2022/35 – Subdivision – Torrens Title – 21 Industrial Lots

This is the first DA for the site. No pre-lodgement meeting was held for the proposal.

##### Customer service actions

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

## 1.4 SITE DESCRIPTION

The site is located at Lot 1 DP 1282203, 1 Kennedy Avenue YALLAH NSW 2530 with a site area of 1134m<sup>2</sup>. The site is currently vacant. The lot is relatively flat, with frontages to both Yallah Road to the north, and Kennedy Avenue to the west.

The surrounding area consists of large lot properties zoned C4 Environmental Living to the east, with low density, rural style dwelling houses. C2 Environmental Conservation zoned land is located to the west and north, with E4 General Industrial land to the south.

### Property constraints

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

- Fill
- Contamination
- Obstacle limitation surface: 52m AHD
- Bushfire
- Encumbrance
- 88b restriction:
  - Restriction numbered 5 in relation to the construction of On-site Stormwater Detention (OSD) systems.  
Comment: The proposal has been reviewed Council's Development Engineer in relation to Stormwater matters and conditions of consent have been provided.
  - Terms of Easement numbered 7 in relation to the Pump Station and wastewater management  
Comment: The proposal has been reviewed Council's Development Engineer in relation to Stormwater matters such as wastewater and conditions of consent have been provided.
  - Terms of Easement numbered 8 in relation to the Rising Main and wastewater.  
Comment: The proposal has been reviewed Council's Development Engineer in relation to Stormwater matters such as wastewater and conditions of consent have been provided.
  - Terms of positive covenant numbered 9 in relation to the wastewater system and its associated structures on site  
Comment: The proposal has been reviewed Council's Development Engineer in relation to Stormwater matters such as wastewater and conditions of consent have been provided.
  - Restriction numbered 12 in relation to Water Sensitive Urban Design requirements  
Comment: The proposal has been reviewed in relation to WSUD requirements and is considered satisfactory.
  - Restriction numbered 13 in relation to footings being constructed by a suitably qualified engineer  
Comment: An appropriate condition of consent has been imposed in this regard

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



Figure 1: Aerial photograph

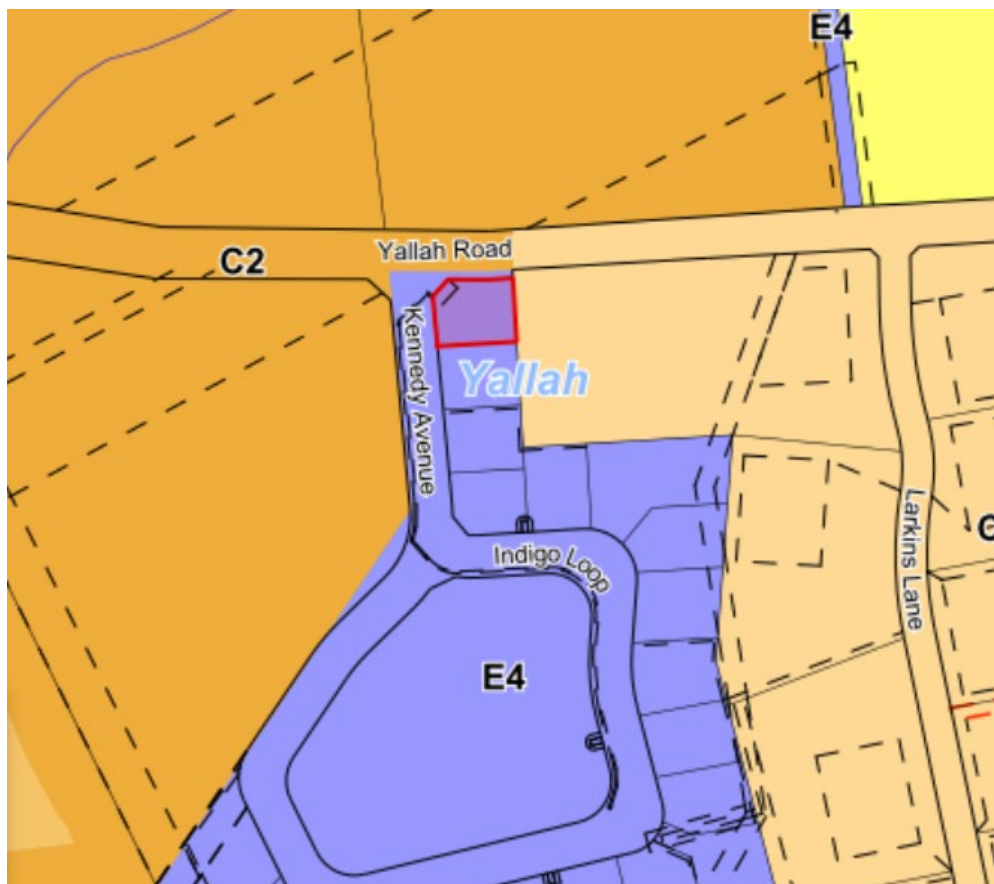


Figure 2: WLEP 2009 zoning map

## 1.5 SUBMISSIONS

The proposal was exhibited in accordance with Council's Community Participation Plan originally between 9 December 2022 and 16 January 2023 and a total of seven (7) submissions were received, including a petition which received twenty-one (21) signatures. Amended plans and documents were renotified between 14 March 2023 and 28 March 2023 and seven (7) submissions were received. It is noted that similar submitters and their respective submissions raised similar issues in the second round of notification, to the originally notified application. These are discussed in Table 1 of the assessment report below.

**Table 1: Submissions**

Concern	Comment
1. Height	The application has been considered with regard to height restrictions detailed in clause 4.3 of WLEP 2009, where a 9m height limit applies to the site. The proposal is compliant with a total height of 7.4m. There are no additional legislative height requirements specific to industrial buildings.
2. Eastern Boundary Setback	<p>It is acknowledged that the proposal has a zero (0) setback to the eastern boundary at its shortest point. Whilst it is recognised that the property adjacent to the subject lot on the eastern elevation (91 Yallah Road, Lot 12 DP 1129850), hosts residential development, the zoning itself is classified as C4 Environmental Living, and therefore is not expressly a residential zone.</p> <p>Development on the neighbouring C4 Lot consists of a residential dwelling house, located approximately 115m away from the proposed development at its closest point and a secondary dwelling, located approximately 65m from the subject lot. There are other associated structures on site all located over 30m away from the proposed development. Dense landscaping also abuts the subject property boundary.</p> <p>The applicant was required to specifically address the requirements of Chapter B5, Clause 16 <i>Industrial Development Adjoining a Residential Zone</i> of the WDCP 2009. The design was amended accordingly to incorporate a 3.5m side setback for a portion of the building. Justification was provided to Council detailing how this development is considered appropriate for the site and compliance with Council's controls and was considered satisfactory.</p>
3. Tree Planting/Screening	The application has been assessed by Council's Landscape Architect in accordance with tree planting and landscaping provisions set out in

	<p>Chapter E6 <i>Landscaping</i> of WDCP 2009. A Landscaping Plan was required with submission of the DA and is considered satisfactory. Conditions of consent have also been provided ensuring tree protection measures and retention through the construction stages and operational stages of the development.</p> <p>A condition requiring the provision of taps and/or irrigation system to guarantee that all landscape works are adequately watered has also been imposed. Dense screen planting for the northern and western boundaries is also required.</p>
4. Tree Encroachment	<p>It is noted that the development's original design had significant impacts on 'Tree 3', beyond 10% outlined as minor within the Australian Standard AS 4970 – 2009. Council's Landscape Architect reviewed the proposal and requested the design be amended. The design was amended to ensure the impacts would not exceed 10%. This was referred to Council's Landscape for a second time and considered satisfactory.</p>
6. Amenity Impacts	<p>Amenity impacts including view loss, overshadowing, and overlooking have been considered as part of this assessment. On balance it is considered that the proposal maintains a reasonable level of amenity for adjoining and nearby properties that is satisfactory in accordance with the relevant development standards and controls.</p> <p>A view assessment was provided by the Applicant within the Statement of Environmental Effects.</p> <p>It is considered that this assessment and associated plans provide a reasonable assessment of the impacts on views. The Applicant was required by Council to address potential impacts upon the Illawarra Escarpment and the response was considered satisfactory, noting the properties along Larkins Lane and to east of Yallah Road sit higher than the subject lot.</p> <p>The proposal is expected to have minimal privacy impacts on adjoining properties. There are no windows proposed on the eastern elevation. Planting and the reduced setback at the north-eastern portion of the site will reduce</p>

	<p>potential privacy impacts to neighbouring properties.</p> <p>The proposal is not expected to overshadow the neighbouring properties. The site to the south is a part of the same industrial subdivision and is currently vacant.</p>
7. Character	<p>The proposal is considered to comply with the objectives of Chapter D1 Character Statements and Chapter D16 West Dapto Urban Release Area, which outlines the future desired character for the Yallah area.</p> <p>The existing character of Yallah contains a range of land uses, including light industries. The desired future character of the area sees the expansion of existing industrial land and proposed job opportunities. The proposal is consistent with both the existing and future character for Yallah in this regard.</p>
9. Colours and Materials	<p>A proposed colour and material schedule was required by Council in the Additional Information Letter dated 9 February 2023.</p> <p>The proposal aligns with Chapter B5 WDCP 2009 requirements for colours, as it features decorative wall elements that provide visual interest to both street frontages.</p> <p>A condition requiring the development to have muted bushland tones has also been imposed.</p>
10. Signage	<p>Proposed signage matches the front façade, as required by Chapter B5 of WDCP 2009, and SEPP (Industry and Employment) 2021. Proposed signage is located on the north and west elevations.</p>
11. Precedence	<p>Noting that there are currently existing Development Applications and Complying Developments approved and under assessment in the subdivision, the subject development is not expected to set a precedence.</p> <p>Examples include CD-2022/384 at 15 Indigo Loop and CD-2023/132 at 25 Indigo Loop, which are both similar developments consisting of industrial buildings. Approved DA-2021/238 at 105 Yallah Road consists of a 33 lot Strata Subdivision that includes 32 units and associated earthworks and tree removal.</p> <p>Due to the minor nature of this singular, industrial building, that is compliant with the relevant planning controls, Council does not</p>

	envision that this development will lead a negative precedence in the subdivision.
12. Traffic Increase	<p>The application has been reviewed by Council's Development Engineer in regard to parking and traffic matters. Correct parking spaces – seven (7) car spaces, three (3) bicycle and one (1) motorcycle spaces have been provided, ensuring that all parking is contained on site.</p> <p>A Traffic Management Plan was also provided and considered satisfactory by Council's Development Engineer. Turn paths were assessed and considered satisfactory in this regard.</p> <p>In relation to traffic generation, the proposal itself is not expected to create adverse traffic impacts. Noting that Yallah Road is classified as a Major Collector Road that will, in the future, connect with Marshall Mount Road to form the new village centre of the Marshall Mount Town Centre as per Clause 14.5.14 of Chapter D16 of WDCP 2009.</p> <p>There is minimal concern that this development will induce greater traffic generation than anticipated to the area.</p>
13. Landscape Buffer – LEC approval	<p>It is noted that the original subdivision (DA-2016/16) was approved and conditioned by the Land and Environment Court. A landscape buffer was required for the eastern boundary of eight (8) lots; however, the subject lot did not require this. This is likely due to the existing landscape buffering that is located on the property boundary of the subject lot and the adjoining property to the east.</p> <p>In correspondence to the applicant dated 3 May 2023, found in <b>Correspondence and Supporting Documentation</b>, Council requested that a 3m landscape buffer to the eastern boundary be considered</p> <p>The applicant elected not to provide amended plans in this regard.</p>

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

#### Landscape Architect

Council's Landscape Officer has reviewed the application and provided a conditionally satisfactory referral.



### **Environment Officer**

Council's Environment Officer has reviewed the application and provided a conditionally satisfactory referral.

### **Development Engineering Officer**

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be conditionally satisfactory.

### **Bushfire Officer**

Council's Bushfire has reviewed the application and provided a conditionally satisfactory referral.

#### **1.6.2 EXTERNAL CONSULTATION**

None required

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

#### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

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

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

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

#### **4.10 Development assessment process—other land**

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

*core koala habitat means—*

(a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or

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

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

Council's Environment officer has not expressed any concerns with regard to biodiversity and conservation.

## Chapter 4 Remediation of land

### 4.6 Contamination and remediation to be considered in determining development application

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

- a) it has considered whether the land is contaminated, and*
- b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

- a) and that is within an investigation area,*
- b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—*
  - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)*

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues.

The audit revealed there are no constraints or past uses that give rise to concerns or the need for further investigation regarding land contamination and Council as determining authority can be satisfied that clause 4.6 matters are thus satisfied. A specific condition of consent is proposed relating to an unexpected finds protocol.

Council's Environment officer has not expressed any concerns with regard to land contamination matters.

## 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

### Chapter 3 Advertising and signage

#### Part 3.1 Preliminary

*(1) This Chapter aims—*

*a) to ensure that signage (including advertising)—*

- i. is compatible with the desired amenity and visual character of an area, and*
- ii. provides effective communication in suitable locations, and*
- iii. is of high-quality design and finish, and*

*b) to regulate signage (but not content) under Part 4 of the Act, and*

*c) to provide time-limited consents for the display of certain advertisements, and*

*d) to regulate the display of advertisements in transport corridors, and*

*e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

*(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.*

#### Part 3.2 Signage generally

##### 3.6 Granting of consent to signage

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—*

*a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*

*b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule*

### Schedule 5 Assessment Criteria

#### 1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

Yes. See Chapter D1 below.

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Yes – locality nearby industrial land located on Yallah Road, to the west. There are currently several similar style buildings undergoing construction in the subdivision, envisioned to have similar signage as per their submitted documentation in Council's records.

#### 2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes, or residential areas?*

No. The proposal has been assessed against Council's controls and is considered compliant with all aspects, such as nearby residential zoning. There are no nearby heritage areas or significant environmentally sensitive areas that will be adversely impacted as part of this proposal. The adjoining low-density, residential areas are not considered to fall under residential zoning as per WLEP 2009.

### 3 Views and vistas

- *Does the proposal obscure or compromise important views?*

No. The proposal is located on the lower side of Yallah Road. The proposed height is also compliant with Council's controls and will not detract from any significant views. The Illawarra Escarpment is located to the west; however, the subject lot is not mapped as being within this zone.

- *Does the proposal dominate the skyline and reduce the quality of vistas?*

No. The proposal is considered acceptable within the height limit of Council's controls stipulated in WLEP 2009. As the proposal is located down the. See **Attachment 2** of site photos.

- *Does the proposal respect the viewing rights of other advertisers?*

Whilst the surrounding development is currently under construction, it is considered that the proposal will respect the viewing rights of other advertisers in the area due it's transparent location on a corner lot, increased front and side setback and compliant height.

### 4 Streetscape, setting or landscape

- *Is the scale, proportion, and form of the proposal appropriate for the streetscape, setting or landscape?*

Yes. The property addresses both street frontages (Kennedy Avenue, and Yallah Road). It suits the character and future desired character of the industrial subdivision and it's respective zoning. It is not considered to create any additional bulk and scale.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

Yes. The proposal has a façade which is broken up by colour and architectural elements to create visual interest to both frontages.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

There is minimal existing advertising in the area as comparison.

- *Does the proposal screen unsightliness?*

The landscape buffer of tall trees to the east can be considered to satisfactorily screen the proposal from the eastern elevation.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

There are no trees on site. Existing trees on the neighbouring property to the east are tall and provide good screening and buffer to the development. The closest structure is approximately 30m away to the east and is not expected to be dominated by the proposal due to the topography of the land and the compliant height of the subject development.

- *Does the proposal require ongoing vegetation management?*

The proposal has been referred to Council's Landscape Architect who issued conditions requiring the maintenance of vegetation on site. A Landscape Maintenance Plan is required prior to issue of the Construction Certificate and taps and/or irrigation systems will be implemented to assist with this management after Occupation.

### 5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

Yes. The proposed signage is located on a compliant building with adherence to controls in Council's WDCP 2009 and WLEP 2009.

- *Does the proposal respect important features of the site or building, or both?*

The proposal is respectful to trees surrounding the site by not encroaching on them and does not impact upon the Pump Station on the west of the site. It is sited carefully to ensure that parking, stormwater, landscaping, and amenity impacts are considered.

- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

Yes. The proposal incorporates

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

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

N/A

#### 7 Illumination

- *Would illumination result in unacceptable glare?*

Not proposed, however general condition included.

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*

Not proposed, however general condition included.

- *Would illumination detract from the amenity of any residence or other form of accommodation?*

Any illumination can be limited to minimise loss of amenity. A condition has been imposed requiring that light spillage to adjoining properties is minimised.

- *Can the intensity of the illumination be adjusted, if necessary?*

N/A

- *Is the illumination subject to a curfew?*

N/A

#### 8 Safety

- *Would the proposal reduce the safety for any public road?*

No.

- *Would the proposal reduce the safety for pedestrians or bicyclists?*

No.

- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

No.

#### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### Clause 1.4 Definitions

***Building*** has the same meaning as in the Act.

***Note—***

*The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).*

**General industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Industry** means any of the following—

- a) general industry,
- b) heavy industry,
- c) light industry,
- d) but does not include—
- e) rural industry, or
- f) extractive industry, or
- g) mining.

## **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 E4 General Industrial. It is noted that when the application was lodged, the zoning for the site was classified as IN2 Light Industrial as per WLEP 2009. On Thursday 4 May 2023, the WLEP 2009 was updated to include new Employment Zone Reform zones, and consequently, the subject site's zoning was updated to E4 General Industrial.

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

The objectives of the E4 General Industrial zone are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To allow some diversity of activities that will not significantly detract from the operation of existing or proposed development, or the amenity enjoyed by nearby residents, or have an adverse impact on the efficient operation of the surrounding road system.*

The proposal is satisfactory with regard to the above objectives because it provides for industrial related land uses.

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

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

The proposal is categorised as a **General Industries** as defined above and is permissible in the zone with development consent.

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

##### Clause 4.3 Height of buildings

The proposed building height of 7.4m does not exceed the maximum of 9m permitted for the site.

##### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 1134m<sup>2</sup>

GFA: 456.7m<sup>2</sup>

FSR:  $456.7/1134 \text{ m}^2 = 0.4:1$

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

##### Clause 7.1 Public utility infrastructure

The proposal has been assessed against Clause 7.1 of WLEP2009 and it is considered that the subject site is already serviced by public utilities. A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the new building.

##### Clause 7.6 Earthworks

There are minor earthworks proposed. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

##### Clause 7.9 Airspace operations

The proposal is identified as being located on land within the flight path of the Illawarra Regional Airport. The proposal does not penetrate the Limitation or Operations Surface and is therefore, considered acceptable.

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

None applicable.

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

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

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. A full assessment of the proposal in relation to Chapter B5 of WDCP 2009 is contained at **Attachment 3**.

##### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN**

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the West Dapto Development Contributions Plan (2021), a monetary contribution of \$16,598.00

(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.

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

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

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

**Environmental Planning and Assessment Regulation 2021**

2 Savings

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

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

6 Determination of BASIX development

Not applicable.

61 Additional matters that consent authority must consider

Not applicable.

62 Consideration of fire safety

Not applicable.

63 Considerations for erection of temporary structures

Not applicable.

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

The key impacts have been discussed largely within this report. Further impacts are discussed below:

Context and Setting:

The proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Whilst it is recognised that the property adjacent to the subject lot on the eastern elevation (91 Yallah Road, Lot 12 DP 1129850), hosts residential development, the zoning itself is classified as C4 Environmental Living, and therefore is not expressly a residential zone. Noting that there are currently existing Development Applications and Complying Developments approved and under assessment in the subdivision, the subject development is not expected to set a precedence or negatively alter the existing or future desired character of the area.

Access, Transport and Traffic:

The design and configuration of the vehicular access and car parking arrangements is considered to be acceptable. The proposal will not result in traffic generation that will adversely impact the locality.



<p><u>Public Domain:</u></p> <p>The development is not expected to have adverse impact on the public domain. The form of the building is acceptable with regard to the current and desired future character of the area.</p>
<p><u>Utilities:</u></p> <p>The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.</p>
<p><u>Heritage:</u></p> <p>No heritage items will be impacted by the proposal.</p>
<p><u>Other land resources:</u></p> <p>The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.</p>
<p><u>Water:</u></p> <p>The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.</p> <p>The proposal is not envisaged to have unreasonable water consumption.</p>
<p><u>Soils:</u></p> <p>The site does not contain any particular soils that require remediation.</p>
<p><u>Air and Microclimate:</u></p> <p>The proposal is not expected to have negative impact on air or microclimate.</p>
<p><u>Flora and Fauna:</u></p> <p>There is no vegetation removal and additional landscaping is proposed .</p>
<p><u>Waste:</u></p> <p>Bins can be stored in an appropriate location and will be collected from an appropriate location. A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.</p>
<p><u>Energy:</u></p> <p>The proposal is not envisaged to have unreasonable energy consumption. A Section J Report has been provided by the applicant to ensure sustainability requirements are met.</p>
<p><u>Noise and vibration:</u></p> <p>A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.</p>
<p><u>Natural hazards:</u></p> <p>Council records list the site as bushfire affected. The applicant has provided a Bushfire Report and Council's Bushfire Officer has reviewed the report and recommended appropriate conditions in this regard.</p>
<p><u>Technological hazards:</u></p> <p>Council records list the site as filled land affected and contaminated land affected. The application has been reviewed by Council's Environment Officer in relation to contamination and the suitability of the site for the development subject to recommended conditions.</p>
<p><u>Safety, Security and Crime Prevention:</u></p>

The development is not expected to give rise to increased opportunities for criminal and/ or antisocial behaviour.
<u>Social Impact:</u> There are not expected to be adverse social impacts arising from the proposed development.
<u>Economic Impact:</u> The proposal is not expected to create negative economic impact.
<u>Site Design and Internal Design:</u> The application does not result in any departures from development standards or Council's development control plans as outlined above.
<u>Construction:</u> A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia. Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.
<u>Cumulative Impacts:</u> The proposal is not expected to have negative cumulative impacts.

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

### Does the proposal fit in the locality?

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

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See discussion at section 1.5

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

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

The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.

Submissions received following notification are noted and can be addressed with conditions of consent where appropriate. Internal referrals are satisfactory subject to appropriate conditions of consent.

### **3 CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal is considered supportable in its current form.

### **4 RECOMMENDATION**

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DA-2022/1250 be approved subject to the conditions at **Attachment 4**

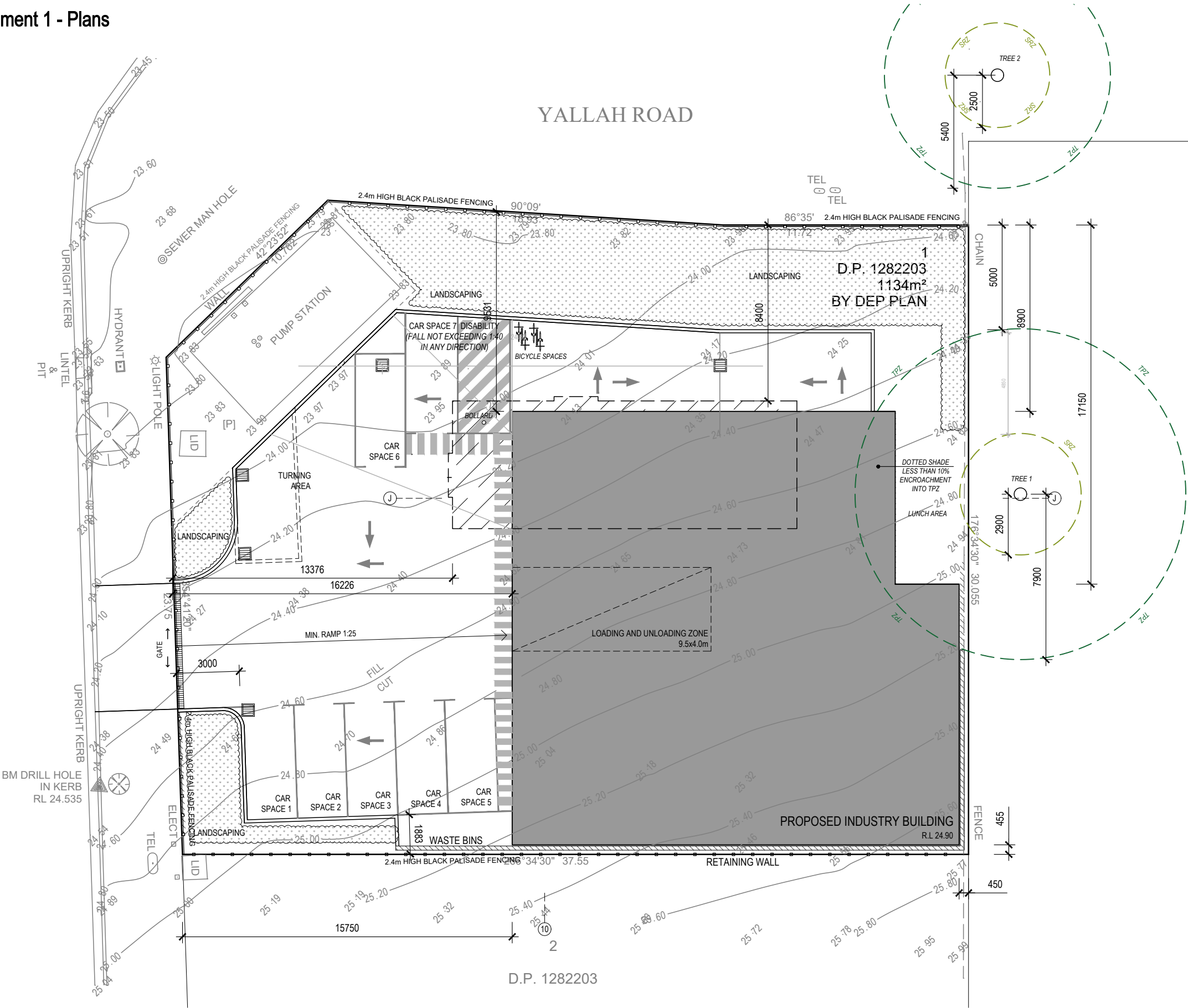
### **5 ATTACHMENTS**

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- 1 Plans
- 2 Site Inspection Photos
- 3 WDCP 2009 Compliance table
- 4 Conditions of consent

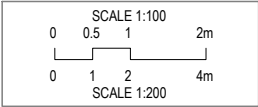
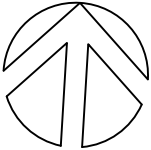


KENNEDY AVENUE



CALCULATIONS		
SITE	1134	SQM
PROPOSED WAREHOUSE/INDUSTRY		
GROUND FLOOR	404	SQM
FIRST FLOOR	94	SQM
TOTAL	498	SQM
ALLOWABLE FSR	1:0.5	
PROPOSED	1:0.5	
ADDITIONAL REQUIREMENTS		
CAR PARKING	7	SPACES
BICYCLE PARKING	3	SPACES
MOTORCYCLE PARKING	1	SPACE
LANDSCAPING		
YALLAH ROAD	5m STRIP	
KENNEDY AVENUE	3m STRIP	
SQM MIN	10%	

SITE PLAN  
SCALE 1:200



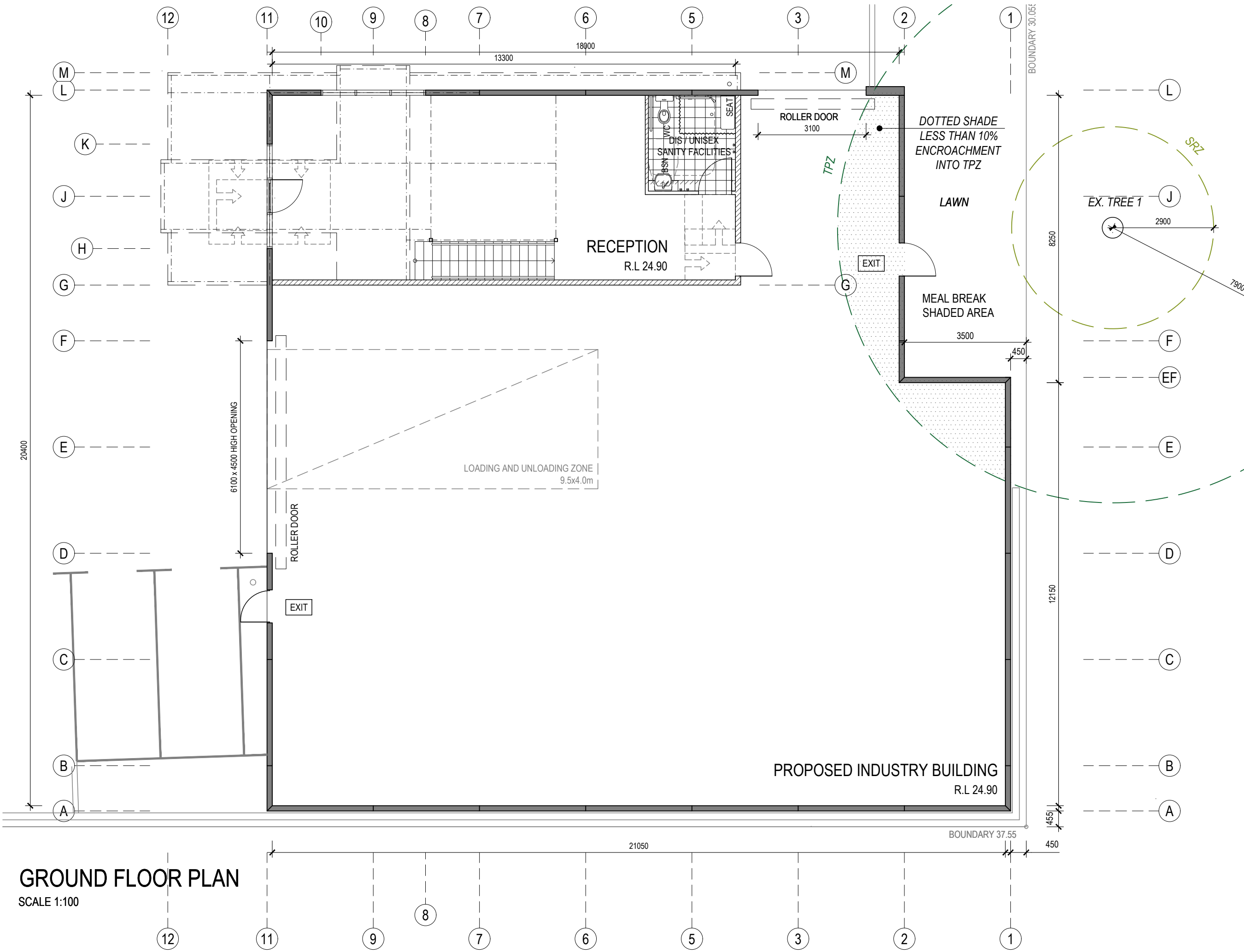
CONSTRUCTION NOTE: ALL WORK CONSTRUCTION TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.

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TITLE: <b>PROPOSED INDUSTRY BUILDING</b>		PROJECT ADDRESS: <b>1 KENNEDY AVENUE YALLAH NSW</b>	
PROJECT No. <b>20009</b>	SHEET No. <b>DA 03</b>	Revision No. <b>DA-00</b>	DATE <b>NOV 18 0</b>
VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. ALL DISCREPANCIES TO BE REFERRED RECREATIVE FOR DETERMINATION. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.		ISSUED FOR CONSULTANTS	



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nsw 2519  
abn 11 723 541 015  
mailbox@recreativedesign.com.au



GROUND FLOOR PLAN  
SCALE 1:100

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ALL SERVICE DIAGRAM TO BE OBTAINED FROM RELEVANT AUTHORITIES

WIND CLASSIFICATION TO STRUCTURAL ENGINEERS DETAILS

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CONSTRUCTION NOTE: ALL WORK CONSTRUCTION TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.

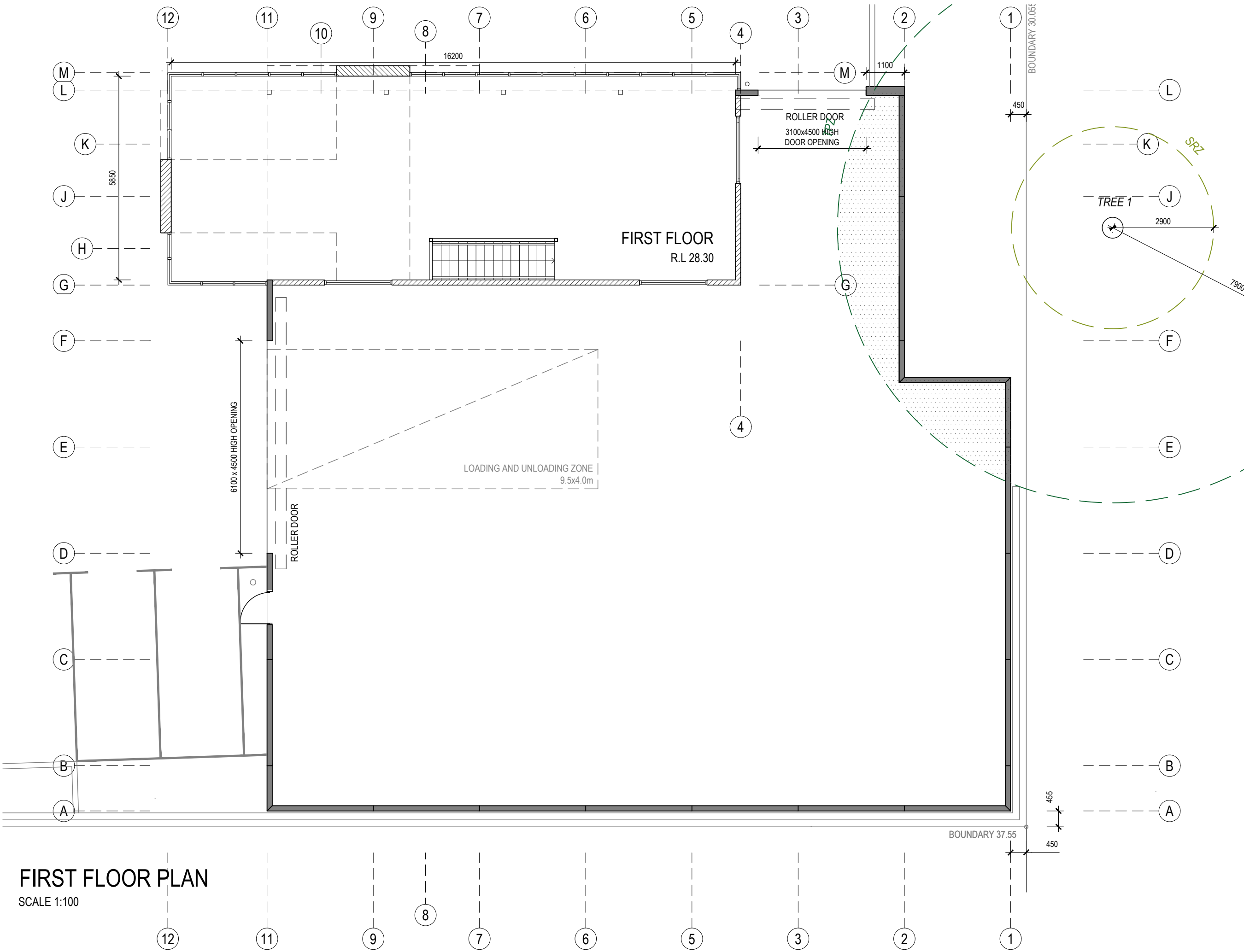
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	ISSUED FOR CONSULTANTS REVIEW	D

VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORK. ALL DISCREPANCIES TO BE REFERRED RECREATIVE FOR DETERMINATION. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING

TITLE		DRAWING TITLE	
PROPOSED INDUSTRY BUILDING		GROUND FLOOR	
PROJECT ADDRESS		RD RECREATIVE DESIGN	
1 KENNEDY AVENUE YALLAH NSW Lot 1 / DP1282203			
PROJECT No.	SHEET No.	REV.	
21021	DA 04	A	
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FIRST FLOOR PLAN  
SCALE 1:100

CONSTRUCTION NOTE: ALL WORK CONSTRUCTION TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.

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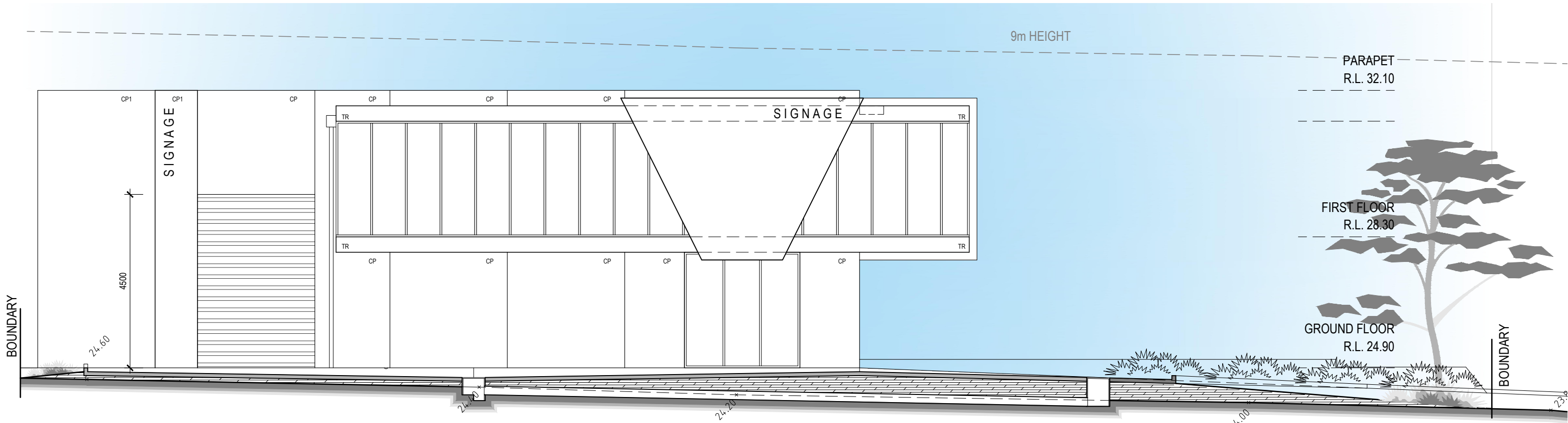
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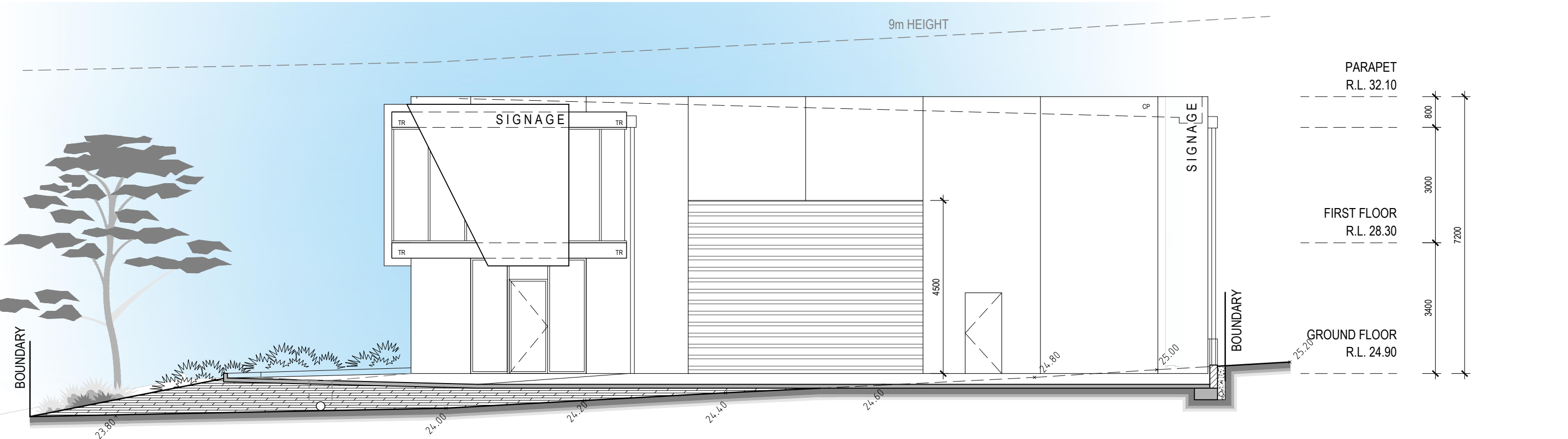
TITLE <b>PROPOSED INDUSTRY BUILDING</b>		DRAWING TITLE <b>GROUND FLOOR</b>
PROJECT ADDRESS <b>1 KENNEDY AVENUE YALLAH NSW Lot 1 / DP1282203</b>		<b>RD</b> RECREATIVE DESIGN
PROJECT No. <b>21021</b>	SHEET No. <b>DA 04</b>	
REV. <b>A</b>		

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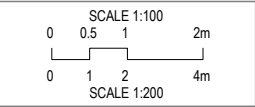
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KEIRAVILLE NSW 2519  
ABN 11 723 541 015



NORTH ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



WIND CLASSIFICATION TO STRUCTURAL ENGINEERS DETAILS

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TITLE		PROJECT ADDRESS	
ELEVATIONS		1 KENNEDY AVENUE YALLAH NSW Lot 1 / DP1282203	
PROJECT No.	SHEET No.	Revision No.	Date
21021	DA 07	DA-00	NOV 18
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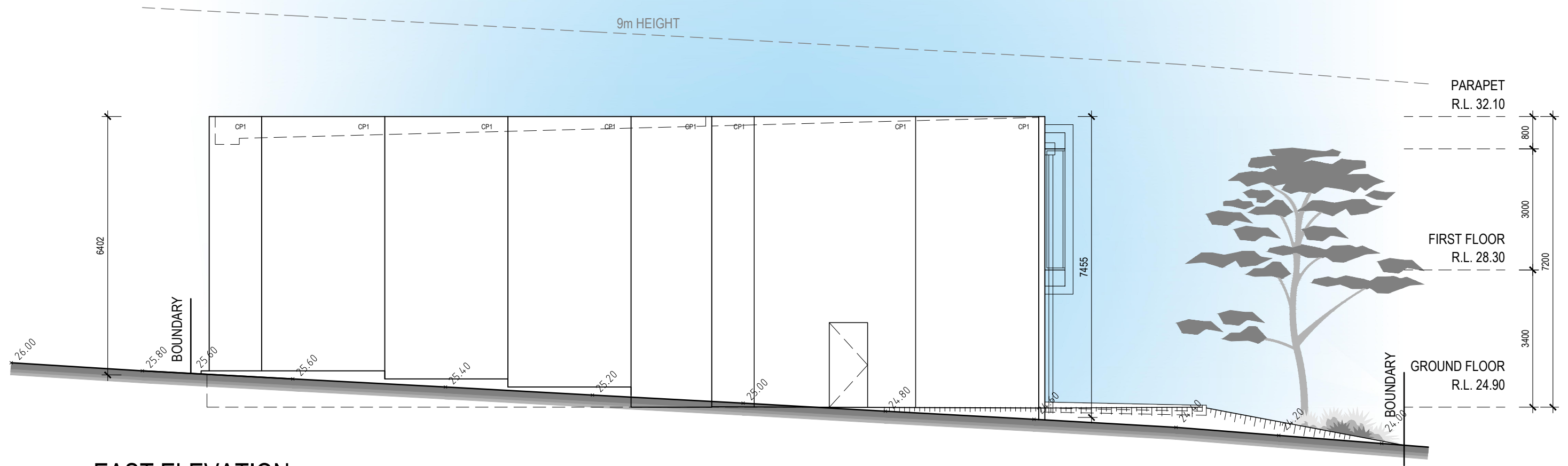


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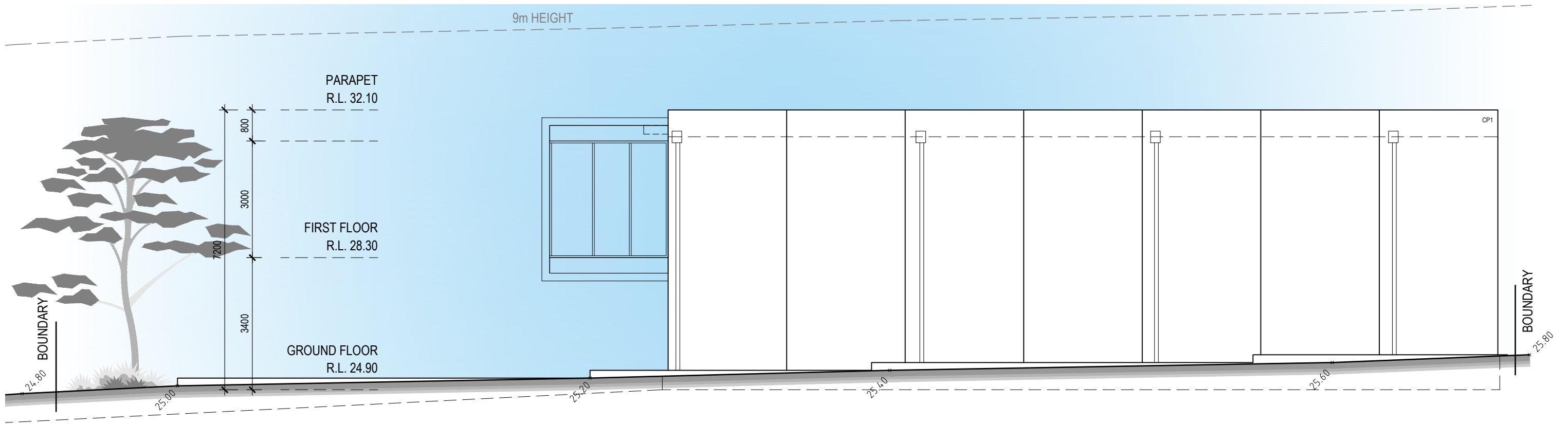






EAST ELEVATION

SCALE 1:100



SOUTH ELEVATION

SCALE 1:100

SCALE 1:100

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ALL SERVICE DIAGRAMS  
TO BE OBTAINED FROM  
RELEVANT AUTHORITIES

WIND  
CLASSIFICATION  
TO STRUCTURAL  
ENGINEERS  
DETAILS

TITLE  
**ELEVATIONS**

PROJECT ADDRESS  
**1 KENNEDY AVENUE  
YALLAH NSW  
Lot 1 / DP1282203**

PROJECT No.  
**21021**

SHEET No.  
**DA 08 |**

Revision No.  
**DA-00**

Date  
**NOV 18 0**

ISSUED FOR CONSULTANTS

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COMMENCEMENT OF WORK. ALL DISCREPANCIES TO  
BE REFERRED RECREATIVE FOR DETERMINATION. USE  
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A FULL SURVEYED PLAN SHOULD BE DONE BY  
A QUALIFIED SURVEYOR PRIOR TO CONSTRUCTION

CONSTRUCTION NOTE: ALL WORK  
CONSTRUCTION TO COMPLY WITH THE  
REQUIREMENTS OF THE BUILDING CODE OF  
AUSTRALIA (BCANCC), RELEVANT AUSTRALIAN  
STANDARDS, LOCAL GOVERNMENT CODES AND  
AUTHORITY REGULATIONS AND REQUIREMENTS

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## Attachment 2 – Site Inspection Photos



*Figure 1: Subject property, facing east*



*Figure 2: Subject property, facing east*





*Figure 3: Subject property, facing south-east*



*Figure 4: Facing subject property from Yallah Road, looking south-west*



*Figure 5: Facing subject property from Yallah Road, looking south-east*



*Figure 6: Facing west from subject lot*





*Figure 7: Facing north from subject lot*



*Figure 8: Facing south-east from subject lot*

## Attachment 3 – WDCP Compliance Table

### CHAPTER A1 – INTRODUCTION

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

*None proposed*

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

### CHAPTER B5 INDUSTRIAL DEVELOPMENT

Control/objective	Comment	Compliance										
<u>3 Factory / warehouse distribution centre building design requirements</u> <ul style="list-style-type: none"><li>The minimum Building Line Setback for Secondary Road Frontage (Corner Lot or Dual Frontage Lot) shall be in accordance with the following table:</li></ul> <table><tr><th>Road Classification</th><th>Minimum Building Line Setback for Secondary Road Frontage (Corner Lot or Dual Frontage Lot)</th></tr><tr><td>Arterial Road</td><td>7.5 metres</td></tr><tr><td>Sub-Arterial Road</td><td>5 metres</td></tr><tr><td>Collector Road</td><td>5 metres</td></tr><tr><td>Local Road</td><td>5 metres</td></tr></table>	Road Classification	Minimum Building Line Setback for Secondary Road Frontage (Corner Lot or Dual Frontage Lot)	Arterial Road	7.5 metres	Sub-Arterial Road	5 metres	Collector Road	5 metres	Local Road	5 metres	<p>The proposal is for the construction of an industrial building, boundary fencing, associated signage, car parking and landscaping on the subject site.</p> <p>The proposed use has not been specified. A condition will be imposed on the consent that any initial use is to be subject to a separate application to Council.</p> <p>It is noted that the proposed units have a front setback of 16.2m to Kennedy Avenue and a secondary setback of 8 m to Yallah Road. This complies with the front setback requirements of the clause.</p>	Yes
Road Classification	Minimum Building Line Setback for Secondary Road Frontage (Corner Lot or Dual Frontage Lot)											
Arterial Road	7.5 metres											
Sub-Arterial Road	5 metres											
Collector Road	5 metres											
Local Road	5 metres											

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>4 Building design / façade treatment</u>		
<ul style="list-style-type: none"> <li>The external front façade of all buildings fronting public roads shall be of a high quality glass, decorative finished concrete or face brick construction. This external façade treatment shall incorporate a minimum 6 metre return around the sides of the building. Alternatively, colorbond wall materials may be used for up to 50% of the total front façade of the building with the remaining 50% of the façade being of a glass, decorative finished concrete or face brick construction.</li> <li>The maximum reflectivity of any glazing shall not exceed 20%, in order to minimise any potential glare impacts</li> <li>The submission of a schedule of proposed external building materials and finishes is required with the Development Application.</li> <li>Large unrelieved expanses of walls or building mass are required to be broken up through building</li> </ul>	<p>The building façade is a combination of concrete, glass, cement and colourbond wall sheeting which will provide visual interest to the building and minimal impact on the existing streetscape.</p> <p>The main entry of the unit is easily identifiable and viewed from Kennedy Avenue, the primary street frontage.</p> <p>As the site is a corner lot, the location of roller doors on side boundaries is considered acceptable.</p> <p>The building incorporates decorative elements to ensure bulk and scale is minimised.</p> <p>Stormwater has been reviewed by Council and is deemed satisfactory. Appropriate conditions of consent have been applied to ensure the development does not have negative adverse impacts in adjoining properties.</p>	yes
<u>5 Energy and Water Efficiency</u>		

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> <li>The following energy efficiency measures are to be employed as a minimum as part of any development application.</li> <li>a) Designing heating/cooling systems to target only those spaces which require heating or cooling, not the whole building.</li> <li>b) Reduce reliance on artificial lighting by incorporating natural light. This may include designing the development to provide direct daylight access to office spaces, providing skylights whenever possible and/ or sectioning lighting throughout the development to cater for current and future business needs.</li> <li>c) Appliances and products (e.g. fridges, computers, dishwashers) achieve a minimum 4 stars on the energy rating label.</li> <li>The following water saving measures shall be incorporated in all industrial developments.</li> <li>a) A rainwater tank is to be installed onsite and sited to enable easy maintenance and cleaning. The rainwater tank is to be fitted with a first flush device and may be used for watering landscaped areas. Where possible, rainwater should supply toilets in the development.</li> <li>b) Water fixtures and appliances (dishwashers, shower heads, taps, toilets, urinals etc) are to be 3.5 stars or better rated.</li> <li>c) Select water efficient plants and/or, indigenous vegetation for use in landscaped areas. Alternatives to the above water savings methods can be presented to Council and they will be assessed on merit</li> </ul>	<p>The proposal maximises natural sunlight through large, upper storey windows along the northern elevation. The windows have been proposed with a mixture of single and double glazing.</p> <p>The proposed reception/officer area on the lower floor will receive adequate sunlight and will minimise the need for artificial heating, cooling and lighting.</p> <p>Relevant conditions relating to energy and water efficiency shall be applied to any consent issued.</p>	Yes
<b>6 Safety and security</b>		
<ul style="list-style-type: none"> <li>The front door to a building should face the road, wherever possible.</li> <li>Any administration offices or showrooms must be located at the front of the building with windows facing the public road.</li> <li>The street number of the building must be visible from the road to allow visitors and emergency</li> </ul>	<p>It is considered that the proposed development satisfies the objectives of Council requirements for crime prevention through environmental design in this circumstance.</p> <p>Offices and showrooms are located at the front of the building with</p>	Yes



<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<p>service vehicles to easily identify the building.</p> <ul style="list-style-type: none"> <li>Lighting (including bollard lighting) should be provided to the external entry path and the car parking area using vandal resistant light fixtures.</li> <li>Lighting design should address the principles of Crime Prevention through Environmental Design (CPTED).</li> <li>Compliance with the requirements of Chapter E2: Crime Prevention through Environmental Design (CPTED) in this DCP</li> </ul>	<p>access and visibility to both street frontages.</p> <p>Lighting will be conditioned so as to not cause nuisance to adjoining properties.</p>	
<b>7 Carparking requirements</b>		
<ul style="list-style-type: none"> <li>Car parking is to be provided in accordance with the requirements of the Car Parking, Access, Servicing / Loading Facilities and Traffic Management chapter in Part E of this DCP.</li> <li>All car parking required by Council shall be provided 100% on-site.</li> <li>The use of stacked car parking spaces is generally not permitted, except where the development is for a purpose built facility and the proponent can provide appropriate evidence that any stacked car parking spaces will be used only by employees and that appropriate documentary evidence is provided which outlines the management procedures that will be put in place by the specific organisation to guarantee the effective use of any stacked parking arrangement.</li> <li>All developments shall provide a minimum of one (1) disabled car parking space which is clearly marked and located in close proximity to the main entrance to the building. For developments involving</li> <li>50 or more car parking spaces, at least 2% or part thereof of these spaces shall be dedicated as disabled car parking spaces and located in close proximity to the main entrance to the building.</li> <li>All car parking areas including access roadways shall be constructed of hardstanding, all</li> </ul>	<p>It is considered that the proposed development satisfies the objectives of Council requirements for car parking and access in this circumstance. Seven (7) car parking spaces, one (1) associated motorbike and three (3) bicycle places have been proposed.</p> <p>Council's Traffic Officer has assessed the application submission and considered it satisfactory subject to consent conditions.</p>	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<p>weather-material with parking bays and manoeuvring areas clearly line marked.</p> <ul style="list-style-type: none"> <li>The provision of bicycles is required in accordance with requirements of the Car Parking, Access, Servicing / Loading Facilities and Traffic Management chapter in Part E of this DCP and should be designed to encourage increased use of bicycles as a means of transportation to the workplace. The provision of bicycle storage facilities and showering / change rooms for staff is required to be shown on the architectural plans submitted with the Development Application. See Chapter E3 below</li> </ul> <p><u>8 Loading dock facilities, vehicular access and manoeuvring requirements</u></p> <ul style="list-style-type: none"> <li>See Chapter E3</li> </ul> <p><u>9 Landscaping requirements</u></p> <ul style="list-style-type: none"> <li>Landscaping is required to be integrated with the overall development and should be used to improve the streetscape appearance of industrial development and associated car parking and loading areas.</li> <li>A minimum 10% of the site area is required to be landscaped. The majority of such landscaping should be provided within the front property building line setback area and the side property boundaries.</li> <li>Car parking areas which adjoin public roads or adjoining non – industrial land uses are to be visually screened by dense landscaping.</li> <li>Car parking areas which adjoin public by a 150mm concrete kerb.</li> </ul>	<p>It is considered that the proposed development satisfies the objectives of Council requirements for vehicular access and manoeuvring in this circumstance. Council's Traffic Officer has assessed the application submission and considered it satisfactory subject to consent conditions</p> <p>The proposal has been assessed by Council's Landscape Officer and considered to be satisfactory</p> <p>There is a total of 17% landscaped area on site.</p> <p>Retaining walls do not exceed 900mm.</p> <p>A shaded meals area has been provided on the north-east of the site.</p> <p>The provision of a tap and/or irrigation system has been imposed on the conditions</p>	<p>Yes</p> <p>Yes</p>

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> <li>All car parking spaces shall contain concrete wheel stops.</li> <li>Retaining wall heights are to be generally restricted up to a maximum height of 2.5m. Where walls exceed 2.5metres, the wall is to be terraced with a minimum 1.5m mulched planted area, which is to be planted with tall shrubs to provide adequate visual screening.</li> </ul>		
<u>10 Outdoor storage areas</u>	NA – no outdoor storage areas proposed. Standard condition recommended to ensure no external storage of goods, including within parking spaces or manoeuvring areas.	NA
<u>11 Shipping container storage facilities</u>	NA	NA
<u>12 Motor Vehicle Repair Workshops</u>	NA- no use proposed as part of the current application.	NA
<u>13 Fencing</u>		
<ul style="list-style-type: none"> <li>All fencing in industrial developments shall be constructed of palisade or decorative open style metal type fencing with a maximum 2.4 metre height</li> </ul>	The application proposes boundary fencing with a total height of 2.4m and will be black palisade.	Yes
<u>14 Use of factory / warehouse units</u>		
	The proposed use has not been specified. A condition will be imposed on the consent that any initial use is to be subject to a separate application to Council.	To be conditioned
<u>16 Industrial development adjoining a residential zone</u>	<p>The subject site does not adjoin a residential zone (C4 Environmental Living).</p> <p>It is noted however, the subject does adjoin low scale residential development. It is considered that the proposed development has been designed such that amenity impacts on the adjoining residential development are considered minimised.</p>	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>17 Retailing in industrial areas</u>	<p>Suitable conditions for noise and operating hours are recommended to be imposed to protect the amenity of the residential properties in the vicinity of the site for future uses.</p> <p>See section 1.5, table 1 of this report for more details.</p> <p>NA</p>	NA

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>18 Yallah Industrial Estate</u>	The area is outside of the Yallah Industrial Estate area and only a portion of the site is noted as being within the OHL mapping area. The lot in question is outside of this mapped area. The proposed height of the building and subsequent relatively minor exceedance is unlikely to impact on or interfere with airport operations. The proposal has height of 7.5m, and does not penetrate the Obstacle Limitation Surfaces for the Illawarra Regional Airport.	Yes
<u>19 Jardine Street Industrial Estate</u>	NA	NA
<u>20 Advertising structures / signs</u>	<p>The site is located within an industrial zone and the proposed signage is not envisaged to have adverse impacts on the amenity or character of the locality. The proposal is considered to be consistent with the desired future character of the area.</p> <p>The proposed signage is not expected to obscure or compromise any important views.</p> <p>The proposal is not expected to reduce the safety for any pedestrians and does not obscure any sightlines.</p>	Yes. To be conditioned
<u>21 Stormwater drainage requirements &amp; flood study requirements</u> See Chapter E14 and E15.	The proposal has been assessed by Council's Stormwater Engineer and considered to be satisfactory. Conditions of consent have been recommended.	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>22 Riparian corridor management</u> See Chapter E23	NA	NA
<u>23 Utility infrastructure services</u>	Satisfactory subject to imposed conditions.	Yes, to be conditioned
<u>24 Subdivision of industrial land</u>	Subdivision not proposed as part of this application	NA
<u>25 Road design &amp; construction requirements – road types and characteristics for public road</u>	NA	NA
<u>26 Restricted access to arterial or sub arterial roads</u>	NA	NA
<u>27 Street lighting</u>	NA	NA
<u>28 Strata subdivision of multi-unit factory / warehouse distribution centre complexes</u>	Not proposed as part of current application	NA

## **CHAPTER C1: ADVERTISING AND SIGNAGE**

### **8 General requirements for advertising signs and structures**

#### 8.1 Advertising Signage must relate directly to lawful use of the land

The anticipated location of business identification signs shown on plans. Exact signage to be determined once occupant is determined.

#### 8.2 Design and Location

The design of the proposed signage is considered to be compatible with the built form and the locality.

#### 8.3 Proportion

The scale of the proposed signage is consistent with the bulk and scale of the built form and the site's frontage.

#### 8.4 Colour

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

#### 8.5 Illumination

Not applicable.

#### 8.6 Rationalisation of Advertising Signage

Not applicable.

#### 8.7 Advertising Signs and Structures maintained in good repair and in a clean and tidy condition

##### Satisfactory

Satisfactory.

#### 8.8 Advertising Signs must be displayed in English Language

Satisfactory.

#### 8.9 Advertising Signs or Structures – Public Safety

The signage does not pose any public safety risk.

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

#### Yallah

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

##### *Existing Character*

*The Yallah industrial estate is situated to the west of the Princes Highway and contains a range of land uses including a range of light industries as well as motor vehicle and boat retailing showroom and servicing operations. The Larkins Lane rural residential subdivision is situated directly to the west of the Yallah industrial estate and is partially developed with dwelling-houses and ancillary outbuildings. A large electricity sub-station exists on the northern side of Yallah Road. A former abattoir also exists off Yallah Road, to the west of the Larkins Lane rural residential subdivision.*

##### *Desired Future Character*

*Yallah is part of the later stages of the West Dapto Release Area. The Yallah industrial estate is within the flight path of the Illawarra Regional Airport and hence, is affected by the Obstacle Limitation Surface (OLS) and Australian Noise Exposure Forecast (ANEF) requirements. Any new development will be subject to compliance with the OLS and ANEF requirements. A small expansion of the existing industrial area at Yallah is proposed and additional job opportunities will be available through future development at the Tallawarra Power Station site. The Larkins Lane rural residential subdivision is also partially affected by OLS and ANEF restrictions and hence, any development must be in accordance with the OLS and ANEF requirements.*

As stipulated in section 1.5, the existing character of Yallah contains a range of land uses, including light industries. The desired future character of the area sees the expansion of existing industrial land and proposed job opportunities. The proposed development aligns with both of these objectives.

### **CHAPTER D16: WEST DAPTO URBAN RELEASE AREA**

The lot in question is outside of the Yallah/ Marshall Mount area as indicated in Chapter D16 West Dapto of the WDCP2009.

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

An accessible toilet facility is proposed for the industrial building on the ground floor. Accessible parking is also provided on site in a central location. It is considered the site can reasonably function in an accessible manner without access to the minor first floor area.

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

The design of the development provides a high level of passive surveillance to and from the street. The glazing within the building, dual street frontages and landscape design ensures adequate sight lines area available to all accessible areas of the site. No entrapment areas are noted within the design. The CPTED principles are found to have been achieved in this instance.

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

The provisions of this chapter have been considered by Council's Development Engineer. The overall car parking proposed meets the minimum requirements of 7 car spaces, 3 bicycle parking spaces and 1 motorcycle space.

A loading bay and turning movements for Medium Rigid Vehicles has been accommodated on site.

### **CHAPTER E6: LANDSCAPING**

The provisions of this chapter have been considered. A landscape plan submitted in accordance with the requirements of this chapter has been submitted and found generally satisfactory by Council's Landscape Officer.

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

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter. Suitable waste storage and servicing arrangements have been provided through appropriate bin storage areas and a private contract agreement. There is no demolition proposed. Appropriate conditions of consent regarding waste management will be recommended should the application be approved.

### **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater is proposed to be disposed of to Council's existing stormwater drainage system. OSD is provided for the development with discharge to the stormwater pit within the frontage. It is noted that the stormwater line and a pit is proposed within the pump station easement.

Stormwater infrastructure from the proposed development must not be located with the pump station easement (noted as P on the submitted stormwater plan). The stormwater design must be modified to remove the proposed pit and stormwater line from the easement with an additional pit to be installed adjoining the driveway prior to directing the stormwater line across the verge to the stormwater pit within the frontage of the site.

Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

### **CHAPTER E16 – BUSHFIRE MANAGEMENT**

Council records indicate that the subject site is located within a bushfire prone area therefore the proposal has been assessed having regard to the provisions of Planning for Bushfire Protection (PBP) 2019.

The applicant has submitted a bushfire assessment report that explains the likely impacts on the proposal and how it is proposed to minimise these impacts. Council's mapping indicates the level of bushfire attack is BAL 12.5, thus the application is not required to be sent to the NSW RFS for comment.

PBP 2019 Section 8.3.1 indicates that The NCC does not provide for any bush fire specific performance requirements for these particular classes of buildings. As such AS 3959 and the NASH Standard are not considered as a set of Deemed to Satisfy provisions, however compliance with AS 3959 and the NASH Standard must be considered when meeting the aims and objectives of PBP. Whilst bush fire is not captured in the NCC for BCA Class 5-8 buildings the objectives in relation to access, water supply and services and emergency and evacuation planning still apply. PBP 2019 Section 8.3.10 indicates that commercial and industrial development is addressed through the aims and objectives of PBP and a suitable package of bush fire protection measures (BPMs) should be proposed.

Conditions at **Attachment 5** account for management of the site as an Inner Protection Area (IPA), water and utility installation and landscaping in accordance with the requirements of PBP and the submission of Emergency Management and Evacuation Plan prior to the issue of the occupation certificate. It is considered that the recommended condition provide a suitable package of BPM's to the development and as such Council is satisfied that the application is compliant with the aims and objectives of PBP 2019.



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

It is considered that the proposal adheres to WSUD requirements. WSUD has already been considered with the larger subdivision approval relating to the parent lot and DA-2016/16.

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

There is no tree removal proposed as part of this application. An Arborist report has been provided showing the protection of trees on adjoining properties.

The impacts on Tree 3 which were raised in the initial plans have now been rectified, and the encroachment on this tree is now less than 10%. The application has been reviewed by Council's Landscape Officer in regard to tree protection and management and is considered satisfactory in this regard.

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

The provisions of this chapter have been considered satisfactory, minor earthworks proposed. The proposed development does not raise any concerns in relation to the requirements of this chapter and suitable conditions are recommended with regard to the earthworks involved.

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

The provisions of this chapter have been considered. The site is identified as being potentially contaminated land. Remediation work has been undertaken as part of the larger subdivision this lot is part of. The site investigations have been reviewed by Council's Environment Division with regard to the requirements of this chapter and SEPP (Resilience and Hazards) 2021 and found satisfactory subject to suitable conditions being imposed on the consent

## Attachment 4 – Draft Conditions of Consent

### DRAFT CONDITIONS FOR: DA-2022/1250

Consent has been granted subject to the following conditions:

**1. Approved Plans and Supporting Documentation**

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

Plan No	Revision No	Plan Title	Drawn By	Dated
DA 03	DA-00	Site Plan	Recreative Design	Nov 18
DA 04	A	Ground Floor	Recreative Design	
DA 04	A	Ground Floor (First Floor Plan)	Recreative Design	
DA 07	DA-00	Elevations (North Elevation / West Elevation)	Recreative Design	Nov 18
DA 07	DA-00	Elevations (Cross Section Grid 10 / Long Section Grid J)	Recreative Design	Nov 18
DA 08	DA-00	Elevations (East Elevation / South Elevation)	Recreative Design	Nov 18

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

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

### General Conditions

**2. Tree Retention/Removal**

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites.

All recommendations in the Arboricultural Impact Assessment by Mathew Da Prato on 11/10/2023 page nos 22-24 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

**3. Separate Consent Required for Advertising Signage**

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under an Environmental Planning Instrument.

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

**4. Separate Consent Required for First Use**

This consent does not authorise the use of the industrial building. Any such first use will require separate approval.

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

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

**7. Construction Certificate**

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

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**8. Muted Bushland Tones - External Finishes**

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

**9. Disability Discrimination Act 1992**

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

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

**Before the Issue of a Construction Certificate**

**10. Development Contributions**

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the West Dapto Development Contributions Plan (2021), a monetary contribution of \$16,598.00 (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 0.113400 hectares and is levied toward the following infrastructure categories as shown in the table below:

Infrastructure Category	Total Contribution
Transport	\$ 7,973.25
Stormwater Management	\$ 8,488.72
Administration	\$ 136.03
<b>Total Contribution</b>	<b>\$ 16,598.00</b>

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

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

- Application number and property address.

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

A copy of the Contributions Plan and accompanying information is available on Council's website [www.wollongong.gov.au](http://www.wollongong.gov.au).

**11. Car Parking and Access**

The development shall make provision for a total of seven (7) car parking spaces (including 1 disabled space with associated shared space), 3 bicycle parking spaces and 1 motorcycle parking space. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a Section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

**12. Depth and Location of Services**

The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

**13. 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.

**14. Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3: Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

**15. Stormwater Drainage Design**

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

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Concept Site Stormwater Layout, Job no. 22072, Drawing no. SW2, Revision A, by ATB, dated 16/09/2022.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.
- e. Stormwater infrastructure from the proposed development must not be located with the pump station easement (noted as P). The stormwater design must be modified to remove the proposed pit and stormwater line from the easement with a additional pit to be installed adjoining the driveway prior to directing the stormwater line across the verge to the stormwater pit within the frontage of the site.

#### **16. On-Site Stormwater Detention (OSD) Design**

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a. Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b. Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c. The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d. The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e. Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f. Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g. Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation/Subdivision Certificate:

- i. The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
- ii. Identification number DA-2022/1250.
- iii. Any specialist maintenance requirements.
- h. Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

**17. No Adverse Runoff Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.

**18. Flows from Adjoining Properties**

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. The above requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

**19. Final Landscape Plan Requirements**

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

- a. planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c. the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- d. any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

**20. Landscape Maintenance Plan**

The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.

**21. Tree Protection and Management**

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

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- b. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch.

- c. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

**22. Construction Site Management Plan**

Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter of the site.
- provisions for public safety.
- pedestrian and vehicular site access points and construction activity zones.
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site.
- protective measures for the trees as identified in the Arboricultural Impact Assessment Report prepared by Mathew Da Prato dated 11 October 2022 and in accordance with AS 4970-2009 Protection of trees on development sites.
- details of any bulk earthworks to be carried out.
- location of site storage areas and sheds.
- equipment used to carry out all works.
- a garbage container with a tight-fitting lid.
- dust, noise and vibration control measures.
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during site works and construction.

**23. Erosion and Sediment Control Plan**

Before the issue of a Construction Certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan, and
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

**24. Waste Management Plan**

Before the issue of a Construction Certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and Council's Waste Management Development Control Plan before it is provided to and approved by the certifier.

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during site works and construction.

**25. Unexpected Contaminated Soil and Asbestos Finds Procedure**

Before the issue of a Construction Certificate, the applicant is to ensure that an unexpected contaminated soil and asbestos finds procedure is prepared by an appropriately qualified and experienced environmental consultant before it is provided to the certifier.

The applicant must ensure the unexpected contaminated soil and asbestos finds procedure is kept on-site at all times during site works and construction.

**26. Present Plans to Sydney Water**

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

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

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

**27. Sydney Water Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Builders and Developers" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then search to "Find a Water Servicing Coordinator". Alternatively, telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the Construction Certificate.

**Before the Commencement of Building Work**

**28. 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.

**29. Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified Arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed Arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

**30. 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.

**31. Erosion and Sediment Controls in Place**

Before the commencement of any site or building work, the Principal Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the Principal Certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

**32. Bush Fire - Inner Protection Area**

At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

**33. Appointment of Principal Certifier**

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

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

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

**34. Signs On Site**

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

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

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

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

**35. 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.

**36. Structural Engineer's Details**

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

**37. 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.

**38. 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.

**39. Temporary Sediment Fences**

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

**40. All-weather Access**

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

**41. Sediment Control Measures**

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

**42. Depth/Location of Services**

The depth and location of all services (ie stormwater, gas, water, sewer, electricity, telephone, etc) must be ascertained and reflected on the plans and supporting documentation issued for construction.

**43. Adjustment to Public Utility Service**

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

**While Building Work is Being Carried Out**

**44. 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.

**45. Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area**

No washing of equipment and or the disposal of building materials such as cement slurry must occur within the drip line of any tree which has been nominated for retention of the site and adjacent property.

**46. Treatment of any Tree Damage by a Supervised Arborist**

Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

**47. Provision of Taps/Irrigation System**

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

**48. Screen Planting**

To mitigate impact of proposed industry building a continuous hedge is to be established along the western and northern boundary for the length of property boundary. Lawn space adjacent to the pump station must be densely planted.

Recommended species:

- a. *Murraya paniculata*, *Photinia* "Red Robin",
- b. *Viburnum tinus*, *Syzygium australe* "Aussie Southern",
- c. *Syzygium australe* "Aussie Compact",
- d. *Syzygium luehmannii* x *S. wilsonii* "Cascade",
- e. *Westringia fruticosa*.

Minimum spacing 900mm.

Minimum pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

**49. Implementation of the Unexpected Contaminated Soil and Asbestos Finds Procedure**

Should unexpected contaminated soil or asbestos (or suspected contaminated soil or asbestos) be encountered during works, then the unexpected contaminated soil and asbestos finds procedure must be followed.

**50. Imported Fill Material**

All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA.

**51. Waste Management**

While building work, demolition or vegetation removal is being carried out, the Principal Certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- a. The contract details of the person(s) who removed the waste.
- b. The waste carrier vehicle registration.
- c. The date and time of waste collection.
- d. A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill.
- e. The address of the disposal location(s) where the waste was taken.
- f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, notifying date and time of delivery, description (type and quantity) of waste.

**Note:** If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to the Order or Exemption and provide the records to the Principal Certifier and Council.

**52. Spillage of Material**

Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of

Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

**53. Excess Excavated Material - Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

**54. Lighting not to cause Nuisance**

The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

**55. Water and Utilities**

Water, electricity and gas are to comply with Section 7 of 'Planning for Bush Fire Protection 2019'.

**56. Landscaping**

Landscaping to the site is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'.

**57. Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

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

**58. 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.

**59. Flows from Adjoining Properties**

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.

**60. Hours of Work**

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

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

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

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

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

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

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

**Note:** The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

#### **Before the Issue of an Occupation Certificate**

**61. Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

**62. Positive Covenant - On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule.

The instrument, showing the positive covenant must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

**63. On-Site Detention - Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

**64. Drainage**

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

**65. Restriction on Use - On-Site Detention System (OSD)**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the OSD system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council."

The instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

**66. Bush Fire Emergency Management and Evacuation Plan**

The applicant is to provide a Bush Fire Emergency Management and Evacuation Plan prepared in accordance with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* to the Principal Certifier prior to the issue of the Occupation Certificate.

## **Occupation and Ongoing Use**

### **67. Maintenance of Inner Protection Area**

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
  - tree canopy cover should be less than 15% at maturity;
  - trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of two (2) metres above the ground;
  - the canopy is discontinuous such that tree canopies should be separated by two (2) to five (5) metres;
  - they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
  - create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
  - shrubs should not be located under trees;
  - shrubs should not form more than 10% ground cover;
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
  - no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection 2019"
  - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

### **68. 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.

**69. Noise Restrictions on Industrial Development**

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

**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.